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1	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
2	UNITED STATES OF AMERICA,	X
3		13 CR 150(WFK)
4	versus	U.S. Courthouse
5	MOHAMMAD AJMAL CHOUDHRY,	225 Cadman Plaza East
6		Brooklyn, NY 11201 . June 24, 2014
7	x	
8	CRIMINAL CAUSE FOR JURY TRIAL	
9	BEFORE THE HONORABLE WILLIAM F. KUNTZ, II	
10	UNITED STATES DISTRICT JUDGE	
11	APPEARANCES	
12	For the Government:	LORETTA E. LYNCH
13		United States Attorney Eastern District of New York
14		271 Cadman Plaza East Brooklyn, New York 11201
15		BY: AMANDA HECTOR, ESQ. MARGARET GANDY, ESQ.
16		RICHARD TUCKER, ESQ. Assistant U.S. Attorneys
17	For the Defendant:	FEDERICK SOSINSKY, ESQ.
18		45 Broadway, 30th Floor New York, New York 10006
19	Punjabi Interpreters:	Ashutosh Mishra Ravi Kotru
20		Manju Verma
21	Court Reporter:	LISA SCHMID, CCR, RMR
22		Official Court Reporter 225 Cadman Plaza East
23		Brooklyn, New York 11201 Phone: 718-613-2644
24		Fax: 718-613-2379
25	Proceedings recorded by mechanical stenography. Transcript produced by computer-aided transcription.	

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1
              THE CLERK: All rise. We're here on day two of the
 2
     criminal trial, USA versus Choudhry, Docket Number 13 CR 150.
 3
              Counsel will you please state your appearances for the
 4
    record.
 5
              MS. HECTOR: Amanda Hector, Margaret Gandy and Rich
 6
     Tucker for the government, along with Special Agent Matthew
 7
    McGuire at counsel table. Good morning, Your Honor.
 8
              THE COURT: Good morning. Please be seated.
 9
              MR. SOSINSKY: For Mr. Choudhry, who is on his way,
10
    Fred Sosinsky. Good morning, Judge.
11
              THE COURT: Good morning, sir. And with you?
12
              THE INTERPRETER: Ashutosh Mishra, Punjabi
13
     interpreter. Good morning.
14
              THE COURT: Good morning.
              THE INTERPRETER: Good morning, Your Honor. Ravi
15
16
    Kotru, Punjabi interpreter.
17
              THE COURT: Good morning. And we're awaiting
18
    Mr. Choudhry. They're ready for him? Good morning.
19
              (Defendant entered.)
20
              THE COURT: And Choudhry is joining us now at the
21
     counsel table, correct?
2.2
              MR. SOSINSKY: Yes, sir.
23
              THE COURT: Okay. Please be seated.
24
              Before we bring in the jury, and resume the testimony,
25
     do we have any procedural issues that either side wishes to
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1
     address to two court.
 2
              MS. HECTOR: No, Your Honor.
 3
              MR. SOSINSKY: No, I just have, if I could --
 4
              THE COURT: You can be seated --
 5
              MR. SOSINSKY:
                             Thank you, sir.
 6
              THE COURT: -- and use the microphone.
 7
              MR. SOSINSKY: I will.
 8
              THE COURT:
                          Thanks.
 9
              MR. SOSINSKY: Judge, if you could just excuse me for
10
     about 30 seconds, the government had subpoenaed certain family
11
     members to appear, and I understand that they don't need them
12
     to stay here today, and they have other things that they'd like
1.3
     to attend to and I just want to be able to tell them that I
14
     spoke to the government and it's okay --
15
              THE COURT:
                          Sure.
16
              MR. SOSINSKY: -- since the lawyers are not here.
17
              THE COURT: Of course.
18
              MR. SOSINSKY: It will take but 30 seconds.
19
              THE COURT: No problem.
20
              MR. SOSINSKY: Thank you very much.
2.1
              THE COURT: Of course.
2.2
              (Pause in proceedings.)
23
              MS. HECTOR: Your Honor, should we put the witness on
24
     the stand?
25
              THE COURT: I think that would be good.
```

```
1
              (Witness resumed the witness stand.)
 2
              THE COURT: Good morning. I poured the water myself
 3
     just a minute ago, so it's fresh. You don't have to worry
 4
     about whether it was there all night or not.
 5
              THE WITNESS: Thank you.
 6
              THE COURT: I've got a lot of witnesses who do that.
 7
    Have a seat.
 8
              We can bring the jury in now, Mr. Jackson.
 9
              THE CLERK: Okay.
10
              MS. HECTOR: Your Honor?
11
              THE COURT: Yes?
12
              MS. HECTOR: Would you mind inquiring of the witness
1.3
     whether she would like the interpreter this morning or not? We
14
    do have the interpreter here.
15
              THE COURT: It's really up to you. Would you like the
16
     interpreter?
17
              THE WITNESS: Not really.
18
              THE COURT: Not really is the answer I got.
19
              MS. HECTOR: Thanks.
20
              THE COURT: You see?
21
              But you are allowed to change your mind.
2.2
              THE WITNESS: Sure.
                                   Thanks.
23
              MS. HECTOR: And Ms. Asghar, your microphone I think
24
     is off the side. You might want to -- thank you.
25
              THE COURT: By the way, we will have our charging
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conference next Tuesday, at noon. Okay? So if anyone wants to
 2
     submit or revise, that's your target date.
 3
              THE CLERK: All rise.
 4
              (Jury enters.)
 5
              THE COURT:
 6
              Good morning, ladies and gentlemen of the jury. Thank
 7
     you again for your promptness. The Court appreciates it, as do
 8
     the parties. Please be seated. And including the witness.
 9
              Ma'am, you're still under oath. Let me ask you as I
10
     always do, did you discuss your testimony with anyone overnight
11
     or during the breaks?
12
              THE WITNESS: No.
1.3
              THE COURT: Okay. Thank you. And again, speak right
14
     into the microphone. Keep your voice up, and Ms. Hector will
15
     continue the questioning.
              THE WITNESS: Okay.
16
17
                     DIRECT EXAMINATION (CONTINUED)
18
    BY MS. HECTOR:
19
        Ms. Asghar, I believe where we left off, you had described
20
     that you had come out of the house in which you were hiding, is
21
    that right?
2.2
    Α
        Yes.
23
         Okay. And when you came out of the house that you were
24
    hiding in, where were the bodies of your sister, Madeeha and
25
     your father, Asghar?
```

1 So they were on the corner of the street. 2 Okay. And I'm showing you what's in evidence as Government 3 Exhibit 821. Is this what you're describing? 4 Yes. 5 Okay. And is that -- who is the person in the middle of 6 the picture there? 7 Α It's me. 8 What did you see your mom doing at this point, if 9 anything? 10 Um, she was talking to the police officer, not -- I don't 11 remember when I got there at that time. I saw her talking to 12 the police official, but it was sometime when we -- I was 13 sitting next to the cops, so it was some period of time period 14 in that time. 15 Did your sister -- your little sister, Nayab, did she 16 arrive at the scene at any time? 17 Α Yes. 18 Did she arrive -- did you see her arrive? 19 Α Yes. 20 Was that after you had come out of the house? 21 Α Yes. 2.2 Q Did you see who -- how Nayab arrived? 23 Α She came with cops. 24 0 Cops? Did you say cops? 25 Α Yes.

```
1
         Did you eventually leave the scene of the murders that day?
 2
     Α
         Yes.
 3
         Who did you leave with?
 4
         With my mother and my sister and police.
 5
         Is the sister you're referring to your little sister,
 6
    Nayab?
 7
         I'm sorry, say that again?
 8
         Is the sister that you're referring to your little sister,
 9
    Nayab?
10
         Yes.
11
         Okay. Where did you go directly from the scene of the
12
    murders?
13
        Police station.
14
        Did you go into the police station?
15
    Α
         Yes.
16
         Without saying what you said, did you have a confrontation
17
    with anyone at the police station?
18
         Yes.
    Α
19
         Who did you have a confrontation with?
     Q
20
         It was from -- with the policeman.
21
         Were you angry?
     Q
2.2
    Α
         Yes.
23
     Q
         Why were you angry?
24
         Because if police had took the action of our previous
25
     complaints, so situation should -- may be different on that
```

```
day.
 1
         What previous -- what -- when you say took action with
 2
 3
     respect to your previous complaints, complaints about what?
 4
         Because when Akmal and his group, they attacked my father's
     car. So, we had that is FIR in the police station, in the same
 5
 6
    police station.
 7
         What is an FIR?
 8
         It's a First Information Report.
 9
         Who filed the First Information Report?
10
    Α
        My father.
11
        After the police station, where did you go next?
12
         To the hospital.
1.3
         When you say you went to the hospital, can you describe
14
     what kind of hospital it was?
15
         It was not a hospital for public. In my understanding,
16
     because when I went there, there were no public there. So, it
17
     is -- like as far I know, it was for the medical purpose for
18
    people who are applying for the jobs of postmortems stuff.
19
         You say postmortem stuff?
     Q
20
     Α
         Yes.
21
         Is most postmortem another word for an autopsy?
2.2
    Α
         Yes.
23
    Q
         If you know?
24
     Α
         Yeah.
25
         Was it the kind of hospital -- from what you saw, was it
```

```
the kind of hospital that people would go to get treated for
 1
 2
     illnesses?
 3
         I didn't see any patient there. So, in my understanding,
 4
     that was not that kind of hospital.
 5
         Who was -- who went to the postmortem with you?
 6
         My mother, my sister, Nayab, and my aunt's family from
 7
    Kotla, and police.
 8
         Did any of Zameer's family come to the postmortem?
 9
         So, when we got there, they were already there, Zameer's
10
    parents, and his cousins and sisters.
11
         Did Shujat come to the postmortem?
12
         Yes.
1.3
         When you saw Shujat at the postmortem, how long had it been
14
     since you had seen him last?
15
         Um, I don't understand your question.
     Α
16
         Okay. When you saw your brother, Shujat, at the
17
    postmortem --
18
        Yeah.
    Α
         -- when was the last time you had seen your brother?
19
20
         Um, when he left the home before Amina left her home, a
     couple of days before Amina, she left the home. When she left
21
2.2
     our home, he said I'm going to -- it was like two-and-a-half
23
    months.
24
         Did you notice anything about Zameer's sisters at the
25
     postmortem?
```

```
1
              MR. SOSINSKY: Objection to the form.
 2
              THE COURT: You may answer as to what you observed.
 3
     Overruled.
 4
         Like in our -- in our culture when somebody has died from
 5
     one home to their relatives, far relationship and near
 6
     relationship. They are in an emotional situation. They're
 7
     crying. But they were not crying there. So it seemed like
 8
     they were not a part of our grief over -- because we lost our
 9
     family members.
10
     BY MS. HECTOR:
11
         Did you eventually leave the -- well, did you eventually
12
     leave the location of the postmortem that night?
13
     Α
         Yes.
14
         Where did you go from there?
15
         To our home in Chiryawala.
    Α
16
         What time did you get home?
17
    Α
         It was around midnight.
18
         Who went with you home that night?
19
         My mother, my sister, my aunt from Kotla and her husband,
     Α
20
     and Zameer's mother, and -- yeah, that -- and his father also.
21
         What happened to the bodies of your father and your sister?
2.2
         Also, we took the bodies with us.
23
     Q
         Did you take the bodies into the house?
24
     Α
         Yes.
25
         Is that traditional within your culture to bring the bodies
```

```
into the house?
 1
 2
         Yes.
 3
         How long did the bodies stay in your house?
 4
         I mean I don't understand the question.
 5
         Were your father and sister eventually buried?
 6
    Α
         Yes.
 7
     Q
         When were they buried?
 8
         The next day.
 9
         After your sister and your father were murdered, did your
10
     family receive police protection?
11
              MR. SOSINSKY: Objection.
12
              THE COURT: Overruled.
1.3
         Yeah.
     Α
14
    BY MS. HECTOR:
15
         How would you describe that police protection?
16
              MR. SOSINSKY: Objection to the form.
17
              THE COURT: Overruled.
18
              You may answer.
19
         So from what I saw, I had seen cops in our home in the
20
     daytime. So that's what I think. This is police protection.
21
     The cops are there.
2.2
    BY MS. HECTOR:
23
         Did you return to school after the murders?
24
     Α
         No.
25
         At some point, after the murders, did you meet with
```

```
officials from the United States consulate?
 1
 2
         Yes.
 3
         Did you talk to them about what happened to your family?
 4
         Yes.
 5
         At some point after that, did you come to the United
 6
     States?
 7
    Α
         Yes.
 8
         Who came with you?
 9
         My brother, Shujat Abbas, my sister, Nayab, and my mother.
10
         Do you know what your status is here in the United States?
11
    Α
         Yes.
12
         What is your status?
1.3
         It's called parole.
    Α
14
         Do you know what it means to have the status of parole?
15
         In my understanding it's for, I guess, a short time period,
16
     like one year for to stay in the United States, permission to
17
     stay in the United States.
18
         Without saying where you're living, what has your life been
19
     like since coming to the United States?
20
              MR. SOSINSKY: Objection, Your Honor; relevance.
21
              THE COURT: Overruled.
         It's quite different in comparison to Pakistan, I would
22
23
     say. Well, I'm working, and we -- I don't know how to say
24
     that.
25
     BY MS. HECTOR:
```

```
1
         Are you going to school?
 2
         Yes.
 3
         And are you also working?
 4
         Yes.
 5
         Sitting here today, if it were safe for you to return to
 6
     your home in Pakistan, would you want to do that?
 7
     Α
         If it's safe?
 8
              MR. SOSINSKY: Objection.
 9
              THE COURT: Overruled.
10
              If it were safe for you to go back to Pakistan, would
11
     you want to go back to Pakistan, is your question.
12
              THE WITNESS: Yes.
1.3
    BY MS. HECTOR:
14
         Why is that?
15
         Because my father and my sister's graves are there and we
16
     were the family. If they're not alive and they aren't with us
17
     anymore, we have the memories and our home is there.
18
              MS. HECTOR: No further questions.
19
              THE COURT:
                          Thank you.
20
              Your witness?
21
              MR. SOSINSKY: Thank you, sir. Just give me a moment
22
     to get situated, Judge. I appreciate it.
23
                             CROSS-EXAMINATION
24
     BY MR. SOSINSKY:
25
         You mentioned -- caught myself.
```

```
1
              You mentioned a few moments ago to the jury what a
 2
     first incident report was. You remember that?
 3
     Α
         Yes.
 4
         And you mentioned that your family, specifically your
 5
     father had filed a first incident report with regard to a
 6
    previous incident or incidents, right?
 7
     Α
         Yes.
 8
         And you are aware, are you not, that with respect to the
 9
     events of February 25th, 2013, the shootings that took place on
10
     that day, that you told the jury you were a witness to, that on
     that date, there was a first incident report completed with the
11
12
     police, right?
1.3
              MS. HECTOR: Objection; misstates the testimony. I
14
     believe he's talking about January 26th.
15
              THE COURT: Sustained.
16
     BY MR. SOSINSKY:
17
         I'm asking now about -- so that we're clear -- was there a
18
     first incident report completed by your family for
19
     February 25th, 2013, ma'am?
         Can you repeat the question?
20
21
         Yes.
22
              Was there a first incident report completed by your
23
    mother for the incident that you told the jury took place on
24
     February 25th, 2013?
25
         I didn't see that.
```

```
1
         Well, you didn't see the first incident report from
 2
     January 26th, either, did you?
 3
         Not fully, I didn't read the whole report.
 4
         I'm sorry?
 5
         I didn't read the whole report.
 6
        You saw a first incident report from February 25th, 2013 at
 7
     some point, did you not?
 8
              MS. HECTOR: Objection; asked and answered.
 9
              THE COURT: Sustained.
10
              THE WITNESS: Can you please --
11
              THE COURT: Ask another question.
12
                   I sustained the objection, so he's going to put
1.3
     another question.
14
    BY MR. SOSINSKY:
15
         You are aware, are you not, that your mother spoke -- well,
16
     withdrawn.
17
              You just told us that your mother, you saw, was
18
     speaking with police officers once you came out of this house
19
     you had been hiding in on February 25th, 2013, correct?
20
     Α
         Yes.
21
         And you told us that later that afternoon, you and your
2.2
    mother and family went down to the police station as well,
    right?
23
24
     Α
         Yes.
25
         And I know you told us what you did when you were there,
```

```
but you understood that your mother spoke with the police on
 1
 2
     that date, February 25th, 2013, to describe what had occurred,
 3
     correct?
 4
         Correct.
 5
         And let me ask you this: You told the jury yesterday that
 6
     on that date, February 25th, 2013, before you went to school
 7
     that day, you and your mom agreed that she would meet you at
 8
     the bus station, the bus station you took regularly to school,
 9
     at about 1:30 p.m., right? You told her, "See you then"?
10
     Α
         Yes.
11
         And you told the jury that the bus, that you took that day
12
     back from school, arrived, give or take, at about 1:30, maybe
13
     it was, as you said yesterday, about five minutes after, that
14
     would be 1:35, right?
15
     Α
         Yes.
16
         And you told the jury yesterday that it takes you, because
17
     you do it all the time, you know, about 20, 25 minutes to walk
18
     from your home in the village, to the bus, right?
19
         Approximately around.
     Α
20
         So if it takes approximately 20 or 25 minutes for you to
21
     walk from your home to the bus -- I think you answered this
22
     yesterday when the prosecutor was asking you questions -- it
23
     would take about that same time to walk back from the bus to
24
     your home after school, right?
25
     Α
         Yeah.
```

```
Okay. And if you arrived at the bus stop at about 1:30,
 1
 2
     1:35 in the afternoon that day and it took you 20, 25 minutes
 3
     to walk back to your home, would you agree then that you would
 4
    have been at home or right outside your home at approximately
 5
     two o'clock, perhaps 2:05 in the afternoon?
 6
         Should I explain my answer or just say --
 7
         I'm asking you to answer my question.
 8
         So it's not like it has to be 25, 20 minutes.
 9
     sometimes more time than that. Like 30 minutes.
10
         Okay.
     Q
11
        And it depends on how fast you're walking.
12
         So, let me ask you this: Let's use 30 minutes now. Let's
13
     use 30 minutes. If you arrived at the bus station at about
14
     1:30, perhaps as late as 1:35 as you told us yesterday, and it
15
     took a half-hour, so not 20 minutes, not 25, we'll extend it
16
     out another five minutes, so now it's a half-hour, 30 minutes,
17
     from 1:35, the time you recalled yesterday getting in, that
18
     would mean that you're at your home there in the village at
19
     about five minutes after two, right?
20
         But I didn't say that I was on the station at 1:35.
21
     five or ten minutes, I'm not really sure.
2.2
         Okay. Did you tell your mom before you left home that day
23
     to meet you by the bus station at approximately 1:30, right?
24
     Α
         Yes.
25
         Okay. And the bus arrived, I think you told us yesterday,
```

```
around that time, perhaps as late as 1:35, right?
 1
 2
         I said five or ten minutes.
 3
        And it would be a 20, 25, and you say perhaps even a
 4
     half-hour walk home from the bus station to your home, the same
 5
     time it would take you in the morning to walk from home to the
 6
     bus station, right?
 7
     Α
         Can you repeat your question again?
 8
              THE COURT: Read the question back, please.
 9
              Listen to the reporter read it back.
10
              THE WITNESS:
                            Sure.
11
              (Record read.)
12
              THE COURT: Go ahead.
1.3
              THE WITNESS: Yes.
14
     BY MR. SOSINSKY:
15
        And, in fact, you told the jury that as you walked home on
16
     that date, there really wasn't anyone else that you recall
17
     seeing on the path or the roads that day, other than this time
18
     when a motorbike passed you by and you recognized the people on
19
     that, right?
20
        Right.
21
         So let me ask you again -- and I'm going to ask that we use
2.2
     30 minutes rather than 20, 25 as you said yesterday at page 140
23
     of the transcript, but let's use 30 minutes. Okay?
                                                          If it was
24
     30 minutes from 1:35, you would have arrived at your home at
25
     approximately five after two that afternoon, right?
                                                           If that's
```

```
the case, if it took 30 minutes, instead of 20 or 25 minutes,
 1
 2
     right?
 3
         Right.
     Α
 4
         And had you ever ridden on that motorbike that you told us
 5
     about yesterday, that you saw your sister, Zameer Abbas, and
 6
     your father, riding on that day? Had you ever been on that
 7
     bike before, that motorcycle?
 8
         Yes.
 9
         And would it be fair to say that that motorcycle, at least
10
     from your own personal knowledge and experience, that moved a
11
     lot more quickly, did it not, than you walking, right?
12
         Right.
13
         So, you told us that it was about midway through your walk
14
     back from the bus station to your home when you recall first
15
     hearing shots, and I think you said at first you heard two
16
     shots and then in rapid succession a number of other shots,
17
     right?
18
         I don't understand your question.
19
         Okay. I'll ask it again.
     0
20
              You said, when you were asked questions by the
21
     government yesterday, that it was after about mid-way
2.2
     through -- withdrawn.
23
              You said that you were about halfway home when you
24
     first saw this motorbike that had on it your sister, your
25
     father, and your cousin, Zameer Abbas, right?
```

1 Α Right. 2 And by the way, Zameer Abbas was indeed a cousin, right? 3 He is not my cousin, he's a son of my cousin. 4 He's a relative of yours? 5 Yes. 6 You told the jury that his family came and met your family 7 or you met with them at this postmortem that took place 8 following the shootings, right, his family was there? 9 Α Yes. 10 You said not only his mother and father, but his sisters 11 and a brother were there as well, meeting with your family? 12 Not brother. 1.3 Sisters? Q 14 Sisters, and his cousins. 15 And his mother and father, right? 0 16 Α Right. And then afterwards, those people came back to your home, 17 18 right? Zameer Abbas' family, right? 19 Not Zameer Abbas' family. Α 20 Did Zameer Abbas' mother come back to your home? 21 Α Say it again? 2.2 Did Zameer Abbas' mother come back to your home after the 23 postmortem at some point? 24 Α His mother, yes. 25 That's what I'm asking you, yes.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

2.2

23

24

25

```
And so, getting back to February 25th, 2013, in the
20, 25 minutes or a half hour that it took you to walk home, it
was about half of that time when you noticed on the motorcycle,
your sister, Zameer Abbas, and your father, right?
    Right.
    And you were by your house, you told us yesterday, by this
mosque located right near your house when you heard gunfire,
right?
    Right.
Α
    And would you agree that the shootings that took place on
February 25th, 2013, ma'am, took place at 2:30, in fact, a few
minutes after 2:30 in the afternoon, of February 25th, 2013?
    Can you read the question please? I don't understand.
         THE COURT: Read the question back, please.
         (Record read.)
    It was around 2:30, so.
BY MR. SOSINSKY:
    Have you -- well, when you say it was around 2:30 --
   Yeah.
Α
    -- it was reported by your mother to the police as having
taken place shortly after 2:30, right?
         MS. HECTOR: Objection.
         THE COURT: Sustained.
         MR. SOSINSKY: If she knows.
         THE WITNESS: Well, I --
```

```
1
              THE COURT:
                          No, no.
                                   I sustained the objection, so you
 2
     don't have to answer. He is going to ask another question.
 3
     BY MR. SOSINSKY:
 4
         You would agree with me that at no time when you walked
 5
     back from your bus to your home in the village, that it takes
 6
     you an hours time to do that, right?
 7
     Α
         Can you repeat the question again?
 8
              THE COURT: Read it back, please.
 9
              (Record read.)
10
              THE WITNESS: Not an hour.
11
     BY MR. SOSINSKY:
12
        No, 20, 25 minutes as you said yesterday, correct?
13
         I said around half an hour.
14
        And you got there at 1:30, 1:35, right?
15
        Where, at the bus stop?
     Α
16
        Yes, ma'am.
17
         It was after 1:30 because I didn't have the phone or
18
     anything, so I didn't notice the time. I was able to -- I was
19
     not able to notice the time. But so far what I remember, when
20
     I left the home, I told my mom you have to get in at 1:30, so
     it was sometime after 1:30.
21
2.2
     Q
        And --
23
              MR. SOSINSKY: Judge, I don't have -- forgive me.
     I borrow -- I don't if you have it -- there's a transcript that
24
25
     we have which I didn't get until this morning. I don't have a
```

```
1
     сору.
            Can I borrow it for one moment, a hard copy?
 2
              THE COURT:
                          If the other side is prepared to give you
 3
     the hard copy, sure.
 4
              MR. SOSINSKY: All right. Thank you.
 5
              MR. TUCKER:
                          (Handing transcript to Mr. Sosinsky.)
 6
              THE COURT: And since everyone has a tendency to speed
 7
     up when they're reading, I will just ask you in advance if
 8
     you're going to read from the transcripts, to read slowly so
 9
     the reporter can get it down, the jurors can hear it, the
10
     witness can hear it, rather than race through it.
11
     BY MR. SOSINSKY:
12
         Let me try it this way: Yesterday, when you were being
1.3
     asked questions by the government, do you recall being asked
14
     questions about what time you got to the bus stop? Do you
15
     recall that subject generally?
16
         Yes.
17
        And did you have any problem telling the government
18
     yesterday that you got there 1:30, maybe five minutes past
     1:30?
19
20
         I said after 1:30.
21
        (Peruses document.)
2.2
              MR. SOSINSKY: This is at page 150.
23
              THE COURT: Line?
24
              MR. SOSINSKY: Beginning at line 16, sir.
25
                          Through?
              THE COURT:
```

```
1
              MR. SOSINSKY: Through the following page, 151, line
 2
     four.
 3
              THE COURT: Okay.
 4
              MR. SOSINSKY: (Showing to Ms. Hector.)
 5
              THE COURT: And he's going to say to you -- because
 6
    he's a very trained lawyer -- were you asked this question and
 7
     did you give this answer, and then you will respond to his
 8
     question.
 9
              THE WITNESS: All right.
10
              THE COURT: That's how this part of the process works.
11
              THE WITNESS: (Nods head affirmatively.)
12
              THE COURT: Go ahead.
13
    BY MR. SOSINSKY:
14
         So that yesterday, do you recall being asked this question
15
     and giving this answer --
16
              MR. SOSINSKY: Beginning on that page and line, Your
17
    Honor.
18
    BY MR. SOSINSKY:
19
         "Question: Do you remember on that day, February 25th,
20
     whether you told your mom a particular time to meet you?
21
              Answer: "Yes."
2.2
              Question: "What do you remember telling her?"
23
              Answer: "I told her, 'Mom, you have to be there at
24
     1:30."
25
              Question: "Okay. Did you take -- after you were at
```

```
1
     school -- so you went to school that day?"
 2
              Answer:
                      "Yes."
 3
              Question: "And did you take the public van home that
     day?"
 4
 5
              Answer: "Yes."
 6
              The following page: Question: "Do you remember
 7
     whether you got to the bus stop around 1:30, when you told your
 8
     mom?"
 9
              Answer: "It was not exactly 1:30, but a little bit
10
     later, like five minutes later than 1:30."
11
              Do you remember being asked those questions and giving
12
     those answers yesterday?
13
         Yes.
     Α
14
         And so, the answers you gave in court yesterday were
15
     correct, right, they were honest?
16
         They were honest.
17
         Okay. And so, just using again your -- your numbers, about
18
    how long it took you to walk from that bus station to your
19
     home, that would take 20 to 25 minutes, perhaps as long as a
20
    half-hour, right?
21
    Α
        Yeah.
2.2
    Q
        I'm sorry?
23
    Α
        Right.
24
         And so, let me ask you again: If it took a half-hour --
25
              THE COURT: Mr. Sosinsky?
```

```
1
              MR. SOSINSKY: Yes, sir?
 2
              THE COURT:
                          I'm not going to interrupt your
 3
     examination when you go to a new topic, but you're going to go
 4
     to a new topic now. You have gone over this and over this and
 5
     over this.
                 The jury gets it. They've heard the previous
 6
     testimony. You have made your point. Why don't you move to
 7
     something else now?
 8
              There's nothing more here. It's clear what the
 9
     testimony is and what the testimony was. She said it was
10
     approximately 1:30. It took her somewhere between 20, 30
11
    minutes to walk. Can we really move on? The jury is smart.
12
     They get it. Let's go.
13
    BY MR. SOSINSKY:
14
         Isn't it a fact, Ms. Asghar, you did not witness any
15
     shootings on February 25th, 2013, you were on a bus coming home
16
     from your school at that time?
17
         Can you repeat the question again?
18
    0
        Yes.
19
              THE COURT: Read it back, please.
20
              (Record read.)
21
              THE WITNESS: It's wrong.
2.2
    BY MR. SOSINSKY:
23
         Isn't it a fact that at some point after the shootings took
24
     place, police officers met you on the bus and took you off of
25
     that bus, bringing you back to the area by the shootings, isn't
```

```
that what happened?
 1
 2
         It's not wrong -- it's not right, I mean.
 3
         If the shootings took place, as I think you mentioned a few
 4
     moments ago, at about 2:30 in the afternoon of that date, can
 5
     you tell us where you were at 2:30 when you first heard shots
 6
     fired?
 7
         I was close to my home, there is a mosque in the corner of
 8
     the street. So that's where it links the main street that goes
 9
     to our home.
10
              MR. SOSINSKY: Judge, I'm going to, with the Court's
     permission, I would like to show the witness, either the
11
12
     original or a copy of, Government Exhibit 42A and ask her to do
13
     some of the same things she did yesterday to mark that
14
     initially?
15
              THE COURT: Why don't we -- so we keep the record
16
     clear, why don't you make a copy of 42A and then we'll make
17
     that 42AB so that the record is clear, so we don't have
18
     confusion as to what 42A is and what the subsequently marked up
19
     document is.
                   Okay?
20
              MR. SOSINSKY: Can I use my copy which is itself a
21
     copy?
2.2
              THE COURT: Well, my only point is, if you want the
23
     witness to make changes, let's mark this new document because
24
     it's going to be a new document, the jury needs to know what
25
     you're looking at when you look at the documents. We'll make
```

```
this 42AB, we'll call it. Okay?
 1
 2
              MR. SOSINSKY: (Nods head affirmatively.)
 3
              THE COURT: You mark it as 42AB --
 4
              MR. SOSINSKY: I will, sir.
 5
              THE COURT: -- and then you give it to Mr. Jackson,
 6
     after you show it to the prosecutors, and then Mr. Jackson will
 7
     give it to the witness. Okay?
 8
              MR. SOSINSKY: Yes, sir. (Complies.)
 9
              Thank you, Mr. Jackson.
10
              THE CLERK: You're welcome, sir. (Handing.)
11
              THE COURT:
                          There you go, ma'am, and since I believe
12
     counsel is going to ask you to make some changes on it, I'm
1.3
     going to ask Mr. Jackson to give you just a pen to make the
14
     changes that he requests of you to make. And that way, we'll
15
     know what's going on here, so you'll know what the documents
16
     are when you see them later, ladies and gentlemen of the jury,
17
     and when you see them now.
18
              Now, you're going to put it up on the Elmo? Do you
19
    have a copy to put up on the Elmo, sir? No, you don't. Do you
20
    have an extra copy to give counsel that he can put up on the
21
     Elmo so he can indicate what changes he wants the witness to
2.2
    make.
23
              MS. HECTOR: (Handing.)
24
              THE COURT: I used to do this for a living before I
25
     took this job, so I kind of know how you do this. Go ahead.
```

```
1
              (Exhibit published to the jury.)
     BY MR. SOSINSKY:
 2
 3
               So, ma'am, what I've put before you is a copy of a
 4
     rough map that you prepared and made indications on yesterday
 5
     with regard to certain items, and I'd like you to take a look
 6
     at it and ask you couple of questions. And then if you would,
 7
     indicate where some of the locations that we're discussing are.
 8
     Okay?
 9
         Sure.
10
              THE COURT: So the record is clear the witness has
11
     before her what has now been marked as Exhibit 42AB. You can
12
     ask some questions and then you're going to ask her to make
13
     some changes on that document. Okay?
14
              MR. SOSINSKY: Thank you, sir.
15
              THE COURT: You're welcome.
16
     BY MR. SOSINSKY:
17
         Now, I asked you before I put this before you, where you
18
     were when, you tell us, you first heard shots ring out on
19
     February 25th, 2013, right?
20
     Α
         Right.
21
         And you mentioned that you were by a mosque located near
2.2
     your home in the village, right?
23
     Α
         Right.
         Can you first point to on the map, point to, and then --
24
25
     are you doing so?
```

```
1
     Α
         Where the mosque is?
 2
         Yes.
 3
     Α
         Sure.
               (Complies.)
 4
               And can you put an M for mosque where that mosque is
         Okay.
 5
     located?
 6
         Sure.
                (Complies.)
 7
              THE COURT: Just write it on the piece of paper.
 8
              THE WITNESS: Okay.
 9
              THE COURT:
                          Okay.
10
     BY MR. SOSINSKY:
11
         And that mosque, would it be fair to say, is located about
12
     a minute or so walk from your home, right?
1.3
         Can you repeat the question?
14
              THE COURT: Read it back.
15
              MR. SOSINSKY: Yes.
16
              THE COURT: Read it back.
17
              (Record read.)
18
              THE WITNESS: Right.
19
     BY MR. SOSINSKY:
20
         Looking at Exhibit 42AB before you, can you indicate where
21
     on this map that you drew it was that you saw your father, your
     sister, and the motorcycle being driven by Zameer Abbas, at
2.2
23
     some point earlier? Can you show us where that is in relation
24
     to the other indications you have already put on 42A?
25
     Α
         You mean where I saw them before?
```

```
1
              THE COURT: Yes.
 2
     BY MR. SOSINSKY:
 3
     Q
        Yes.
 4
        That's not a part of this map.
 5
         Okay. Can you indicate where -- just using the map as a
 6
    reference, where it would have been that you saw them?
 7
              THE COURT: Do you mean in what direction it would
 8
    have been?
 9
              MR. SOSINSKY: Yeah.
10
    BY MR. SOSINSKY:
11
        In other words, if the map extended in a particular
12
     direction, just show us and explain to us where it was that you
13
     saw them earlier?
14
         That's not a part of this map. So, how can I show you
15
     then?
16
              THE COURT: What he's really asking you -- ma'am, what
17
    he's asking you is was it north, south, east or west, up, down,
18
     left, right?
19
              THE WITNESS: Somewhere over here, this side.
20
              THE COURT: Which side, is that left or right?
21
              THE WITNESS: I'm pointing.
22
              THE COURT: Okay. Somewhere to the right of 42AB is
23
     where you saw them, is that right?
24
              THE WITNESS: Right.
25
              THE COURT: Okay.
```

```
1
              MR. SOSINSKY: And, Judge, you just put on the record
 2
     where it would be approximately on this map?
 3
              THE COURT: Since she's marking it up, why don't you
 4
     tell her how you want her to describe it with her initials?
 5
    BY MR. SOSINSKY:
 6
        Okay. Can you mark in the general vicinity where you saw
 7
     Zameer Abbas driving the motorcycle, your father and sister on
 8
     that motorcycle earlier, by writing "See motorcycle" or "Saw
 9
    motorcycle."
10
              MR. SOSINSKY: Is that fair, Judge --
11
              THE COURT: Sure.
              MR. SOSINSKY: -- as an indication?
12
1.3
              THE WITNESS: Well, this is not exactly the location
14
    because it's just a part of that street.
15
              THE COURT: Right, just a general direction. He
16
     understands that, the jury understands it's just showing a
17
     general relationship to this area where it was generally, not
18
     that it's part of the map.
19
              THE WITNESS: Sure, what I have to write?
              THE COURT: Yeah, just write it.
20
21
    BY MR. SOSINSKY:
2.2
         "Saw motorcycle," if you would, or "Saw bike," whatever's
    easier?
23
24
              THE COURT: How about "Saw a bike"?
25
              MS. HECTOR: Can we make --
```

```
1
              MR. SOSINSKY: Whatever the Judge says.
 2
              THE COURT: What?
 3
              MS. HECTOR: Can we make the record clear that that's
 4
     the general direction? She's not marking --
 5
              THE COURT:
                         I think it's really clear it's a general
 6
     direction, that it's not the map. It should be very clear, so
 7
     the jury gets it. It's a not -- she said, that the place that
 8
     she saw the bike is not part of this map. She was asked for
 9
     the direction. So, if you want to say, "Direction of bike,"
10
     why don't you write "Direction," or just "DIR."
11
              THE WITNESS: I don't have -- I don't have this on
12
     this one.
1.3
              THE COURT: Okay. That's fine, "Direction of bike."
14
    BY MR. SOSINSKY:
15
        And you told the jury yesterday that you saw the bike as
16
     you were walking home on a path, right?
17
    Α
        Right.
18
        I'm sorry?
    Q
19
    Α
        Right.
20
        And, if you know, the bike was proceeding in the direction
21
     of your home as well at that time when you saw it, right?
2.2
    Α
        Right.
23
        And, in fact, you knew from prior experience that that
24
     bike, the motorcycle, had your sister on it coming home from
25
     school that day, right?
```

```
1
     Α
         Right.
 2
         So, it would be fair to say that both you and that
 3
    motorcycle were heading to your home, right --
 4
     Α
         Right.
 5
         -- as far as you understood it?
 6
     Α
        Right.
 7
         Can you indicate on this map approximately where you were,
 8
     where you tell us you were at the time you saw the motorcycle
 9
     on that date?
10
              THE COURT: Counsel, she's already said repeatedly
11
     that the map does not include the location where she saw the
12
     bike. She's told you the direction. Now, if you want to
13
     another map, maybe you should go back to the aerials, which are
14
     in evidence, and ask her -- put those up -- put those before
15
     the jury and ask her if she can show you on the aerial maps
16
     where he saw various things, if she can, rather than take a map
17
     that doesn't include the location where she saw the bike and
18
     have her put things there that are not consistent with her
19
     testimony. You've got the aerials. The jury saw the aerials.
20
     Everybody sees Google. So let's do it.
21
     BY MR. SOSINSKY:
2.2
        Let me ask you this: Would it be fair to say that it was
23
     shortly after you saw Zameer driving that motorbike with your
24
     sister and father on it, shortly after that, that you heard
25
     shots fired?
```

```
1
         Yes.
 2
        By the way, before today, before you took the witness
 3
     stand, was there a time when you provided a schematic or
 4
     drawing of the route that you claimed to have taken that day
 5
     from a bus to your home, that is before the day?
 6
         Can you repeat the question?
 7
              THE COURT: Read the question back, please.
 8
              MR. SOSINSKY: Yes.
 9
              (Record read.)
10
         I provided them, I drew the map.
11
              THE COURT: Other than the map we've seen, 42A, did
12
     you draw any other maps?
1.3
              THE WITNESS: Kind of rough. Roughly, I made other
14
    map.
15
              THE COURT: You made another map?
16
              THE WITNESS: Yeah.
17
              THE COURT: Okay. Next question?
18
     BY MR. SOSINSKY:
19
        And the purpose of making the other map was to try to
20
     describe the route that you say you took from the bus to the
21
     area by your home and this mosque, right?
2.2
        It didn't include the whole thing. The other map that I
23
     made was bigger than this one.
24
              THE COURT: Do we have the map, counsel?
25
              MR. SOSINSKY: I don't believe so, not -- I don't
```

```
think it's been offered in evidence, Judge.
 1
              THE COURT: Well, do you have it? I didn't ask you if
 2
 3
     it was offered in evidence. Do you have it?
 4
              MR. SOSINSKY: I don't believe so, I have the aerial,
 5
     the Google map.
 6
              THE COURT:
                          Well, why don't you work with what you
 7
    have so the jury can see, and if there is some other map that
 8
     you've got, you can put it before -- the jury's the finder of
 9
     the facts. You got to let them see the facts. You got to
10
     witness, you're asking questions about where she was. Put the
11
     information before the witness and the jury.
12
    BY MR. SOSINSKY:
13
         Can you tell us, just using the exhibit before you,
14
    Mr. Jackson, this area that I'm referring to here, where you
15
    marked "the next bodies," would it be fair to say that the
16
     bike, the motorcycle that you saw your father, sister and
17
     Zameer Abbas on, it was proceeding in this direction towards
18
     your home, right?
19
    Α
        Right.
20
        And would it be fair to say that if you were by this small
21
    mosque located near your home, you had actually made it to your
2.2
    home well before the motorcycle would have, right? You got
23
     there, you were there before shots rang out, right?
24
         Can you just repeat the question?
25
         Yes.
```

```
1
              THE COURT: Read the question back, please.
 2
              (Record read.)
 3
              THE WITNESS: At the mosque, by the mosque?
 4
              MS. HECTOR: Objection.
 5
     BY MR. SOSINSKY:
 6
        You were by --
 7
              THE COURT: Hang on, hang on. It's a compound
 8
     question and asked conditional. I'm going to sustain the
 9
     objection. Ask another question and break it down.
10
              MR. SOSINSKY: Yes, sir.
11
              THE COURT: Take out the "woulds" and ask her.
12
     BY MR. SOSINSKY:
13
        You were by the mosque, located, you tell us, about a
14
    minute from your home, right, when you heard the shots ring
15
     out, yes?
16
        Yes.
17
        And I just asked you'd, looking at 42AB before you, the
18
    motorcycle that you had earlier seen was proceeding right in
19
     the direction of your home, right?
20
         Right.
     Α
21
              MS. HECTOR: Objection.
22
              THE COURT: She answered it. She can -- I'm going to
23
     overrule the objection.
24
              Go ahead.
25
     BY MR. SOSINSKY:
```

```
And so, from the time when you earlier say you waved at
 1
 2
     your sister as she was on the motorcycle, to the time when you
 3
     heard shots rang out, right, that would mean that you arrived
 4
     at your home before the time the motorcycle would have, right?
 5
         I didn't arrive at my home.
 6
         I'm sorry?
     Q
 7
     Α
         I didn't go to my home. I was --
 8
         You arrived by the mosque --
 9
              THE COURT: Don't interrupt her. She said she didn't
10
     go to her home.
11
              Finish your answer.
12
         I was a little bit away from my home, I wasn't actually in
13
    my home.
14
    BY MR. SOSINSKY:
15
         You arrived in the area of the mosque before you heard
16
     these shots rang out, right?
17
         I was close to there. I mean the mosque area, I was close
18
     to there.
19
         Now, when you heard the shots, you told us yesterday you
20
     ran right towards the area where you believed the shots were
21
     coming from, right?
2.2
     Α
         Yes.
23
         And when you did so, you kept running until you were
24
     standing right next to the bodies of both your father and your
25
     sister, right?
```

1 You mean right next to? 2 Well, did you tell us --3 I was close to the bodies, but I was not actually there 4 where the bodies were. 5 You were close enough to see with your own eyes that your 6 sister's leg was moving, right? 7 Α Yeah. 8 You were close enough to be able to place, as you did 9 yesterday, on photographs the locations of where you tell us 10 people were standing in relation to the motorbike as it laid on 11 the ground, right? 12 Right. 13 You were close enough to be able to tell us who was 14 standing on which side of the motorbike, as you did towards the 15 close of your testimony yesterday, right? 16 Right. 17 You were close enough to see, you tell us, certain people 18 using a gun or rifle to touch or hit one or the other of the bodies there, right, you saw that? 19 20 Α Right. 21 You were close enough to hear what was being said by a 2.2 number of the people present there on that street, right? 23 Yes, because they were talking loudly. They were saying it 24 loudly. 25 But you were right there, right?

```
1
     Α
         Yeah.
 2
         I'm sorry?
 3
     Α
         Yes.
 4
         And you were -- excuse me, you were -- as you approached
 5
     the scene, it was clear to you that there were at a minimum at
 6
     least four men there with guns, with firearms, right, as you
 7
     told us yesterday?
 8
         Can you repeat the question?
 9
     0
         Yes.
10
              THE COURT: Read it back.
11
              (Record read.)
12
              THE WITNESS: There were four and few other, that I
1.3
     didn't recognize them.
14
    BY MR. SOSINSKY:
15
         Just focusing now on the men with rifles, with guns. You
16
     saw at least four of them with guns in their hands as you
17
     walked right up to the scene, correct?
18
         There were at least four, because there were three other
19
     people, that I didn't recognize them, but they had the guns,
20
     too.
21
        So, as you approached this scene, you walked up to, you're
2.2
     saying now, seven men, all of whom had guns in their hands,
23
     right, firearms?
24
         I'm not saying exactly seven, but around seven.
25
         And you recognized, before you got near that scene, that
```

```
1
     some of those people were the very same people you told the
 2
     jury who had been threatening and firing upon your family
 3
     before that date, right?
 4
         Can you repeat it?
 5
         I'm sorry?
 6
              THE COURT: Read it back, please.
 7
              (Record read.)
 8
              THE WITNESS: Right.
 9
     BY MR. SOSINSKY:
10
         You were able to see, before you were approached them and
11
     that scene, for example, that this person, Akmal, who you told
12
     us somewhat your father had told you on January 26th, 2013 had
1.3
     shot at his car, that Akmal was one of the guys there with a
14
     rifle, right?
15
    Α
         Yes.
16
         I'm sorry?
     Q
17
     Α
         Right.
18
         And that Javed Iqbal, the person who you said had earlier
19
     called your father and trapped him into coming back to the
20
     village from Bernala, he was there as well on that date and you
21
     recognized him, right?
2.2
         I didn't recognize him. You mean on 25th February?
23
         That's what I'm asking about now, yes.
24
         I didn't recognize him.
25
         So in total, ma'am, as you approached the scene of this
```

```
1
     shooting, can you tell the jury approximately how many of the
 2
     men that you walked up to you saw with rifles or guns in their
 3
     hands, how many?
 4
         There were more than -- more than seven.
 5
               Now, the prosecutor asked you earlier whether or not
 6
     you spoke with certain people, certain officials or agents at a
 7
     U. S. consulate before coming to the United States. Do you
 8
     remember that question earlier this morning?
 9
         Yes.
10
        And do you recall telling those officials that you saw one
11
     of the men, when you came upon the scene, shooting your sister
12
     in the face with the gun?
13
         So --
     Α
14
        My question is: Do you remember telling those agents that?
15
         What, it would refresh my memories, so yes.
     Α
16
         Indeed, you never saw anyone shoot anyone in the face, did
17
    you?
18
         Should I explain my answer or should I just say yes or no?
19
         Well, let me ask you: When you came upon the scene, where
20
     you say there was this number of men with guns in their hand
21
     and you walked up to them so you were able to see who was lying
2.2
     on the ground, at that point in time, did you see anyone firing
23
     any firearm at anyone there?
24
         So let me explain my answer.
25
              THE COURT: I think he's entitled to an answer.
                                                                Did
```

```
you see anybody shooting the guns? Actually, fire -- hang on.
 1
 2
     Hang on. Did you see anybody shooting the weapons, with your
 3
     own eyes, when you were watching the scene? Did you see
     anybody actually firing the guns?
 4
 5
              THE WITNESS: Firing at the body or --
 6
              THE COURT: Firing anywhere?
 7
              THE WITNESS: Yes.
 8
              THE COURT: You did?
 9
              THE WITNESS: (Nods head affirmatively.)
10
              THE COURT: Okay.
11
              Next question? She saw somebody firing the guns.
12
     BY MR. SOSINSKY:
1.3
        And you saw someone firing the guns at one or more of the
14
     bodies that you saw there, yes or no?
15
     Α
        No.
16
              THE COURT: Where were they firing the guns?
17
              THE WITNESS: I'm sorry?
18
              THE COURT: When you saw them firing the guns, where
     were they pointing the guns?
19
20
              THE WITNESS: In the air.
21
              THE COURT: Pointing them up in the air?
2.2
              THE WITNESS: Yeah.
23
              THE COURT: Okay. I just want to know what you saw
24
     because that's what he asked. They were firing the guns in the
25
     air.
          Okay.
```

```
1
              Next question?
 2
              MR. SOSINSKY: Yes.
 3
     BY MR. SOSINSKY:
 4
         And so, at 2:30 in the afternoon on that date, did you see
 5
     Akmal Choudhry shoot your sister in her face?
 6
         The gun was toward her face, so I don't know if he was
 7
     shooting there or -- because his gun was pointing to her face.
 8
         Well, did you hear with your ears any shots fired as you
 9
     approached the scene and when you saw Akmal Choudhry's gun
10
     pointed, as you just told us, at her face, did you hear any
11
     shots fired that appeared to be from that weapon?
12
         I didn't hear part of it from the --
1.3
              THE COURT: Whoa. Just slow it down.
                                                      I'm sorry.
14
     know it's hard. Take your time. Take a deep breath and answer
15
     his questions, all right?
16
              So let's have the question read back, and then you can
17
     answer the question.
18
              Read it back, please.
19
              (Record read.)
20
         There were the shots. I don't know if it was from his
21
     weapon or from the peoples who were with him in the group.
2.2
     They were shooted (sic) by him, but by those peoples, but they
     were the shots from in that particular area.
23
24
     BY MR. SOSINSKY:
25
         Did you see Akmal Choudhry shoot your sister in her face
```

```
with his gun?
 1
 2
         I just explained to you, his gun was pointing towards him
 3
     (sic) and there was a shot at that time. I was not able to
 4
     particularly hear which gun is there actually.
 5
         Did you tell officials at the U. S. consulate that you saw
 6
     exactly that, that is, you saw Akmal shoot your sister in her
 7
     face?
 8
         I told them about his gun was towards her face, I'm not
 9
     sure, maybe it's a miscommunication.
10
        Did you -- withdrawn.
11
              When you were at this scene, and you saw those men
12
     with the guns that I was just asking you about, did you hear
13
     your sister asking the people who had just shot her for some
14
     water to drink?
15
        I didn't hear.
    Α
16
        I'm sorry?
17
        I didn't hear from my sister.
18
        Did you tell officials from the U. S. consulate, within a
19
     month of February 25th, 2013, that you saw, you heard your
20
     sister asking the people who had shot her, the shooters, for
21
     water, did you tell the people at the consulate that that's
2.2
     what happened?
23
         I'm not sure I told them that I heard from somebody or I
24
     told them that it was me who -- that particularly heard that
25
     from my sister. But I told them thing like that, she was
```

asking for the water, to the U.S. official. 1 2 You told them that she was asking the shooters, the people 3 who had just shot her for water, right? 4 Yes, I told them. 5 Now, before the shooting took place, clearly you saw that 6 Zameer Abbas was driving that motorcycle, right? 7 Α Right. 8 And he had been -- Zameer Abbas had been driving your 9 father and other members of your family around on that bike for 10 a week, ten days prior to that, right? 11 Α Right. 12 And he had come from his family and he volunteered to do 13 that in order to help out your family with that at least, so 14 you didn't have to use the Jeep, right? 15 Α Right. 16 And there was concern, I think you told us, because if the 17 family continued to use the Jeep and the Jeep had previously 18 been shot at, that that would be noticeable amongst the people 19 who were doing this, right? 20 Α Right. 21 And that was the reason why there was the switch from the 2.2 family Jeep to the motorbike, right? 23 Α Right. 24 And the person who had -- one of the persons who had shot 25 at the Jeep -- by the way you weren't there, right, when that

```
happened, when there were shots fired at the Jeep but --
 1
 2
         (Nods head affirmatively.)
 3
         -- as you understood it, one of the people who had shot at
     the Jeep was this person, Akmal Choudhry, right?
 4
 5
         Right.
 6
     Q
         I'm sorry?
 7
     Α
         Right.
 8
         And Akmal Choudhry, please tell us, his home was just a
 9
     street or two away from yours, right?
10
         I don't understand you.
11
         The home where Akmal Choudhry lived, his house was a very
12
     short distance from your house in the same village, right?
1.3
         Not really short.
14
         Well, would it be fair to say that it was a street or two
15
     away?
16
         Not even a street or two away, little bit more than that.
17
         In any event, that was why the motorbike was being used,
18
     right, so as to avoid using that Jeep, right?
19
         Can you repeat the question again.
     Α
20
         That was the reason why Zameer Abbas was staying with your
21
     family, so as to be able to drive people around on that
22
    motorbike, right?
23
     Α
         Right.
24
         And to otherwise help out the family at that time of need,
25
     right?
```

```
1
         Right.
 2
         Now, from the time you heard the first shot ring out on
 3
     February 25th, 2013, to the time that you were at the scene, as
 4
     you just described it again to us, seeing these seven men with
 5
     guns and the other things that I asked you about, would it be
 6
     fair to say that that was a very short period of time, right?
 7
         (Nods head affirmatively.)
     Α
 8
         Indeed, you told us yesterday that you and your mother ran
 9
     to the scene of the shooting, right?
10
     Α
         Right.
11
         From the area by the mosque, to the scene of the shooting
12
     you ran, right?
13
     Α
         Right.
14
         And when you got there, you saw the things that you told us
15
     about, right?
16
         Yes.
17
         Yes?
18
              You saw that there was a motorcycle that was on the
19
     ground, right, and you saw a photograph or two of that
20
     motorcycle, the motorbike as it were yesterday, right?
21
         I don't remember it was standing or it was on the ground.
2.2
         And when you got there, shortly after hearing the shots and
23
     when you and your mother ran down there, can you tell us did
24
     you see a third person who had been shot as well, Zameer Abbas,
25
     the person who had been driving the motorbike, did you see
```

```
Zameer there?
 1
 2
         No, I didn't see him.
 3
         You didn't see that he too had been shot?
 4
         Who too?
 5
         Zameer Abbas?
 6
    Α
        Well, I heard he --
 7
     Q
         I'm not asking about what you heard.
 8
              MR. SOSINSKY: Judge, I'm sorry to cut her off.
 9
              THE WITNESS: I didn't see.
10
    BY MR. SOSINSKY:
11
         Okay. There's no question, however, that he was driving
12
     that motorbike, right, when you saw them?
13
         (Nods head affirmatively.)
14
     Q
        I'm sorry?
15
         You mean -- I'm sorry, can you repeat the question?
16
              THE COURT: Who was driving the motorbike when you saw
17
     it?
18
              THE WITNESS: Zameer.
19
              THE COURT: Okay. Next question?
20
    BY MR. SOSINSKY:
21
         And when you get there, you see how many men with guns,
2.2
     seven you said?
23
     Α
         Seven or more than seven.
24
         Okay. And there were additional men there as well, right?
25
     Α
         Right.
```

1 That appeared to be with the same group, right? 2 Α Right. 3 And there was your father and your sister, as well, right? 4 They're on the ground, yes? 5 Right. 6 But it's your testimony that Zameer Abbas, the person who 7 you had seen earlier driving the motorbike, he wasn't there 8 anymore, right? 9 Right. 10 And when you saw that, when you saw that Zameer Abbas was 11 not there, did you, at that moment, have any idea where he was? 12 I didn't think about him, where he was. 13 Did you see him in the hospital either that night --14 Α No. 15 -- or the next day? Zameer Abbas I'm asking about now? 16 I didn't see him anywhere, in the hospital or at his home. 17 When you got home, at some point later that night, you saw 18 that there was blood outside or inside the entryway, the 19 doorway to your home, right? 20 Α Right. 21 When you got home, at some point you learned that the Jeep 2.2 or the SUV, I should say, this was not a Jeep, right, it was 23 some other type of vehicle, right? 24 Α Right. 25 Is that a yes?

```
1
         I'm sorry, can you repeat the question, I didn't
 2
     understand.
 3
              THE COURT: Read the question back, please.
 4
              And how much longer do you have with this witness?
 5
              MR. SOSINSKY: A while, Judge.
 6
              THE COURT: All right. Then we'll take a break after
 7
     you read the question back and we get an answer.
 8
              MR. SOSINSKY: Thank you.
 9
              (Record read.)
10
              THE WITNESS: Do you mean I saw the Jeep or what was
11
     the question?
12
              MR. SOSINSKY: I'll withdraw the question.
1.3
              THE COURT: He is withdrawing the question, okay.
14
              MR. SOSINSKY: Yes, Judge.
15
              THE COURT: Ladies and gentlemen of jury, we're going
16
     to take our 15-minute break now. Actually, we'll make it a
17
     20-minute break, just to be nice. So we'll take 20 minutes.
18
     Please don't talk about the case.
19
              You're still under oath, ma'am, and still on
20
     examination, so you won't talk about the case, either.
21
     talk about who's going to win the next soccer game. Okay?
2.2
     Thank you.
23
              (Jury exits.)
24
              THE COURT: All right. The jury has left the
25
     courtroom. Do we have any procedural issues to go over?
```

```
1
              MS. HECTOR:
                          No, Your Honor.
 2
              MR. SOSINSKY: No.
 3
              THE COURT: Anything else? Okay.
 4
              As I mentioned before, we'll have our charge
 5
     conference at noon next Tuesday. So if you have any
 6
     submissions or additional submissions to make with respect to
 7
     proposed charges, get them in with that schedule in mind. All
 8
     right.
             See you in 20 minutes.
 9
              (Recess.)
10
              THE CLERK: All rise.
11
              (Defendant entered the courtroom.)
12
              THE COURT: Could we have the witness back on the
1.3
     stand, please?
14
              You can bring the jury in now. Thank you.
15
              THE CLERK: All rise.
16
              (Jury enters.)
17
              THE COURT: Thank you, ladies and gentlemen of the
18
     jury. Appreciate it. Please be seated.
19
              We'll resume the cross-examination of the witness.
20
              Ma'am, did you speak with anyone about your testimony
21
     during the break?
2.2
              THE WITNESS: No.
23
              THE COURT: No? Okay. Great. Again, speak right in
24
     the microphone and listen carefully to the questions, so we
25
     don't have to repeat them until we have to repeat them, okay?
```

```
1
                      CROSS-EXAMINATION (CONTINUED)
 2
     BY MR. SOSINSKY:
 3
         Before we broke, I was asking about the use of the
 4
     motorcycle with Zameer and your family, let me ask you this
 5
     question concerning that motorcycle. Other than driving your
 6
     father from place to place and as you told us, your sister
 7
     Madeeha, would it be true that you at times were driving on
 8
     that motorbike as well?
 9
         Right.
10
        And based on your experience, on that motorcycle, would it
11
     be fair to say that from your home to the area known as Adda,
12
     which is by the bus stop that you've claimed you were dropped
13
     off at that day, right? Yes?
14
     Α
        Right.
15
         Okay. If one was to ride on a motorcycle from that area in
16
     the village to your home, on a motorcycle, approximately how
17
     long based on your experience would that take?
         I don't remember like. Because the road is pretty rough,
18
19
     so it depends on which road the bike will take, so --
20
        Well, let me ask a different way, would it be fair to say
21
     that the distance from the downtown area by the Adda to your
2.2
    house is less than a mile?
23
         I don't have a real understanding about the measurement.
24
              MR. SOSINSKY: Forgive me. Let me use --
25
              THE COURT: Let her finish the answer.
```

```
1
              MR. SOSINSKY: Sorry, Judge, yes.
 2
              THE WITNESS: I don't have a better understanding of
 3
    mile, feet, all this kind of, you know, units, so --
 4
    BY MR. SOSINSKY:
 5
        How about kilometers, let's use a kilometer. From the area
 6
     where the bus station is, the bus stop, by the Adda to your
 7
    home, what distance would you say, give or take, that is,
 8
    ma'am?
 9
        Well, I just told you I don't have understanding about the
10
    mileage. I don't drive in my life, so how I can know, I don't
11
    have understanding of units.
12
         Okay. On the bike, on a motorcycle, would it be fair to
13
     say that it would take just a few minutes to get from downtown
14
     to the area of your home?
15
         When you say downtown, what does that mean?
     Α
16
        Well, the area by Adda. Let's just use that for example,
17
    from there to your home, would take on a motorcycle as compared
18
    with walking but a few minutes, right?
19
        Yes.
    Α
20
        And can you tell us, based on your experience, if one was
21
     to be coming in from a nearby town of Kotla, K-O-T-L-A, and
22
     they were to proceed from Kotla to your home, once they were in
23
     the village proper, once they were around that village, how
     long would it take on motorcycle to get from there to your
24
25
     home?
```

```
Which village, sir, Chiryawala?
 1
 2
         Yes, once the motorcycle was within Chiryawala, how long
 3
     would it take from Chiryawala to your home?
 4
         So when you say Chiryawala, where does exactly you mean by
 5
     Chiryawala? Chiryawala Adda or Chiryawala village?
 6
         Well, first tell us Chiryawala Adda to your home.
 7
        Takes like few minute.
 8
        And Chiryawala village to your home?
         So there is no actually any boundary for Chiryawala Adda
 9
10
     and Chiryawala village. Just depends where the residential
11
     area is starting from. That's called Chiryawala village. So
12
     it depends on the road which are you coming from, sometimes
13
     it's straight, the streets are narrow but long.
14
         If I was to ask you from what end of Chiryawala to the
15
     other, based on your years living there, on a motorcycle, how
16
     long it would take to get from one end to the other, within
17
     that village, on a motorbike?
18
        I don't have an experience about traveling between the two
19
     length of the Chiryawala village.
20
        Would it be fair to say that based your knowledge that it
21
     would take a few minutes?
2.2
         I just don't stand understand what you mean by --
23
     Chiryawala is not like confining the few homes. This is --
24
     that's a village and there are different areas, I don't see
25
     them in my life, I -- I'm just familiar with the few parts of
```

the village. 1 2 The part of the village where you claim to have seen the 3 motorbike that afternoon, with your sister Zameer Abbas and 4 your father, what part of the village was that? 5 So that was actually entry into in the village. 6 Q Okay. 7 There's a road that comes from Chiryawala Adda and 8 Chiryawala village. 9 Okay. And from that point to your home, on a motorbike, 10 would take just a few minutes, right? 11 Α Yes. 12 And walking, rather than on a motorbike, from the point I 13 just asked you about to your home, would take much longer than 14 that, right? 15 Α Right. 16 Now, when you got back to your home after the shootings on 17 February 25th, 2013, you took note, did you not, that the Jeep, 18 the vehicle was no longer there, right? 19 Right. Α 20 And at that time, you were not aware of what had become of 21 the Jeep, right? 2.2 Α I don't understand. 23 At the time you noticed that it was not there, you didn't 24 know what had happened to it, right? 25 Α Right.

```
At some point, the Jeep returned to your home, right, at
 1
 2
     some point after February 25th, 2013, correct?
 3
     Α
         Right.
 4
         And it was returned to the home by the family of Zameer
 5
     Abbas, right?
 6
         I don't exactly remember who returned the Jeep because I
 7
     was not there when they returned the Jeep.
 8
         You were aware Zameer Abbas was shot, injured and
 9
     hospitalized in connection with the events of February 25th,
10
     2013, right?
11
         I heard.
     Α
12
         Did you hear that he was shot in this legs and testicles?
1.3
              MS. HECTOR:
                          Objection.
14
              THE WITNESS: I didn't hear that.
15
              THE COURT: Overruled.
16
     BY MR. SOSINSKY:
17
         After you approached the scene of the shootings and saw
18
     these men with guns and the other things that you have told us
19
     about yesterday and this morning, you said there came a time
20
     when you were there and the men turned their attention or some
21
     of the men turned their attention to you and your mother,
2.2
    right?
23
     Α
         Right.
24
        And It's your testimony that at that point in time, the men
25
     who you saw there with guns, they started chasing after you and
```

```
1
     your mother, that's your account, correct?
 2
         Correct.
 3
         And you wrote on Government Exhibit 42A yesterday, you made
 4
     certain markings, indications of the house that you believe you
 5
     ran into and did you mark where your mother ran into?
 6
              You didn't do that yesterday, you still have that
 7
     before you?
 8
         I made the mark on the house where I went into, but not for
 9
     the house where my mom, she went into.
10
              MR. SOSINSKY: Judge, with the Court's permission, if
11
     I could, could she indicate on there where it is that she
12
     claims she saw her mother run into?
1.3
              THE COURT: Well, let's just to keep the record clear,
14
     let's make this 42ABC, if that's what you want to have it as or
15
     you wanted to mark it on 42AB.
16
              MR. SOSINSKY: I think we can use, if it's okay with
17
     you, 42AB which should be up there.
18
              MS. HECTOR: That's fine.
19
              THE COURT: Any objection?
20
              MS. HECTOR: No, Your Honor.
21
              THE COURT: Mark it on 42AB, please, with a pen, if
22
     you have a pen up there, do you have the document still?
23
              THE WITNESS: Yes.
24
              THE COURT: Please indicate the house that your mother
25
     ran into.
```

```
THE WITNESS: What should I write?
 1
 2
              THE COURT: Why don't you say "Mother's house"?
 3
              THE WITNESS:
                             (Complies.)
 4
              All right.
 5
              THE COURT: Have you done that, ma'am?
 6
              THE WITNESS: (Nods head affirmatively.)
 7
              THE COURT: Thank you. Next question?
 8
     BY MR. SOSINSKY:
 9
         And it's your testimony that at the scene of the shootings
10
     where you saw the men with the gun and you saw your sister and
11
    motorbike and your father, that you saw your mother run into
12
     that particular house, right?
1.3
         Right.
     Α
14
         And that house was, I think you described yesterday, just a
15
     few feet away from the scene of the shooting, right?
16
         Just a few what?
17
         Feet, feet, distance wise, right?
18
    Α
         Yes.
19
         Just a few feet?
    0
20
              THE COURT: Have to let him finish the question before
21
    you respond.
2.2
              Go ahead.
23
    BY MR. SOSINSKY:
24
         Your answer was yes, right?
25
     Α
         Right.
```

1 In fact, you were able to see, when shown a photograph 2 yesterday in evidence, and point to the house where you claim 3 your mother ran into, when the seven men with guns you tell us 4 chased her, right? 5 Right. 6 None of the men, none of the seven men with guns that you 7 saw that day, according to you, fired a shot at your mother, 8 correct, that you saw? 9 I don't understand you. 10 Did any of these seven men that you told us earlier had 11 firearms with them, when they were chasing your mother, did you 12 see or hear any of those men fire any shots at her? 1.3 I didn't say seven, I said four men I saw, and none of them 14 they shoot on us. 15 Did you say earlier this morning when I was asking you 16 questions that in addition to the four men, that there were 17 three other men that had guns as well? 18 They were on the scene. On the place where the incident 19 happened. 20 My question is, did you tell us, did you tell the jury 21 earlier this morning when I was asking questions, that in 2.2 addition to the four men who were there, there were three 23 additional men with guns there as well? 24 Yes.

Did you say that this morning?

25

```
1
         Yes.
 2
               So the seven men with guns, when they turned their
 3
     attention, according to you, to you and your mother who were
 4
     standing there, did you see or hear any of those seven men who
 5
     had those guns fire upon her or in her direction, did you see
 6
     or hear any such thing?
 7
        But I didn't say that seven, seven men they --
 8
              THE COURT: Ma'am, the question he's asking, did any
 9
     of the men that you saw who had the guns shoot them at your
10
     mother?
11
              THE WITNESS: No.
12
              THE COURT: Did they shoot them at you?
1.3
              THE WITNESS: No.
14
              THE COURT: Okay. Next question?
15
              MR. SOSINSKY: Judge, thank you.
16
              THE COURT:
                          The jury got it.
17
              MR. SOSINSKY: Let's go to the next question.
18
              THE COURT: They got it. Okay. Let's go.
19
     BY MR. SOSINSKY:
20
         Inside the home that you told us you ran into, you said you
21
     ran in to a room and shut and locked the door, right?
2.2
     Α
        Right.
23
        And before you ran in and shut the door to that room, you
24
     shut and locked the door you tell us you ran into that you
25
     entered through, right, that is, the door to a street, right?
```

- 1 I'm sorry. I don't understand you. 2 Okay. When you went into this home, that you have marked 3 on Government Exhibit 42A yesterday. 4 Α Right. 5 The door you say to the home was opened, right, it wasn't 6 locked? 7 Α It was open. 8 When you went in, you made sure to shut that door 9 and lock it, right? 10 Not that one. 11 You left that door open, ma'am? 12 Right. 13 But because you were concerned that someone could gain 14 access to where you were, you left that door open, but went 15 into another room within that house and closed that door, yes? 16 Yes. 17 And because you were concerned that one or more of the 18 seven men with guns could find you within that house, although 19 you left the door from the outside open, you made sure to lock
- 22 A Can you repeat the question again.
- Q Yes. You locked -- withdrawn. You closed the door to the room or bedroom that you ran into, right?

that interior door in the room, that's what you're telling us,

25 A Right.

right?

20

21

```
And that door within the home, although you had left the
 1
 2
     outside door to the house open, that door you made sure to
 3
     lock, right?
 4
         I don't understand you.
 5
         Did you lock the door to the bedroom in which you ran?
 6
     Α
         Right.
 7
         And that bedroom was some distance from the street from
 8
     which you ran into that home, right?
 9
         Right.
     Α
10
         And you told us yesterday that within that home, with the
11
     door shut and locked, you were able to hear certain things
12
     still going on in the streets outside the house, right?
13
         Right.
14
         And, excuse me. You heard things like where are they,
15
     right? Words in substance, where did she go or where did they
16
     go, you heard something like that you told us yesterday, right?
17
         Similar to that, yes.
18
        And the home that you ran into, would it be fair to say,
19
     was barely a block away from the scene of this shootings,
20
    right?
21
     Α
         Right.
2.2
         It took you from where you were with the seven men you saw
23
     with guns, about 15, 20 seconds to run from there into that
24
     open door in the house, right?
25
     Α
         Right.
```

```
1
         And the men, some of the men were giving chase after you,
 2
     right?
 3
         Right.
     Α
 4
         Now, it's your testimony that from within the house, you
 5
     heard, I think you told us yesterday, what you described as if
 6
     someone was speaking on a phone, right?
 7
     Α
         Right.
 8
         I'm sorry?
 9
     Α
         Right.
10
         And what you heard that you thought someone was speaking on
11
     the phone was statements like, I'm not sure where she or they
12
     are, right? Right?
1.3
         Can you repeat the sentence again.
14
     0
         Yes.
15
              THE COURT: Read the question back, please.
16
              (Record read.)
17
         It was similar to that.
18
     BY MR. SOSINSKY:
19
         You heard multiple, that is, a number of male voices saying
20
     things like that from inside that bedroom within that home,
21
     right?
2.2
     Α
         No.
23
     Q
         You heard one voice?
24
         I just heard one voice.
25
         Now, you told the jury that on other occasions, you were at
```

```
1
     places where you were able to hear, even though you weren't a
 2
     participant in a conversation, various things over cellular
 3
     phones, right? Remember that yesterday, right?
 4
         Yes.
 5
         So, for example, you told us that there was an occasion
 6
     when you were at a funeral, and a phone call was made to a
 7
     particular phone, and you were sitting around and I think you
 8
     said it was your father had it on speaker phone and that's why
 9
     you were able to hear that conversation, right?
10
         Right.
     Α
11
         And would it be fair to say that you were questioned about
12
     this, that is, the phone being on spoken phone in the past, and
13
     asked how that came about, right?
14
         I don't understand you.
15
         Okay. The speaker phone incident that you had described,
16
     the speaker phone, just by chance, happened to be on speaker
17
     phone, according to you, right?
18
         It wasn't by chance.
19
         I'm sorry?
     Q
20
         It was not by chance.
21
         Did you not tell federal agents on April 18th, 2013, that
2.2
     it was by chance on speaker phone such that you were able to
23
     hear what was being said in that conversation on January 26th,
24
     2013?
25
         I don't remember.
```

```
1
         There was a -- on the date I asked you about, April 18th,
 2
     2013, there was an agent Christopher Heck, if you recall,
 3
     present on that date, right, speaking with you?
 4
         I don't know what date, April 18th or --
 5
         There were other times where you said you were able to hear
 6
     conversations even though the phone was not on speaker phone,
 7
     right?
 8
         Right.
 9
         And you say that's true because on those occasions you
10
     happened to be sitting close to the person who was talking on
11
     the phone, and making an effort to listen to what was being
12
     said, right?
13
         Right.
14
         And then on February 25th, 2013, you tell us that on that
15
     date, you believed you were hearing what was being said on a
16
     phone, from inside that room in the house you had run into,
17
     right?
18
         Right.
     Α
19
         On that same day, February 25th, 2013, when you went to the
20
     police station, as you told us earlier, did you provide, did
21
     you provide the police with a statement as to what you claimed
2.2
     transpired?
23
         I don't understand you.
24
         When you went to the police station, were you interviewed
25
     by police officers, investigators, with regard to what it was
```

```
that you were claiming you saw, if anything?
 1
 2
         You mean my witness, whatever I saw I told him.
 3
     what you mean?
 4
         My question is, were you interviewed by the police on that
 5
     date, and did you provide a statement to them with regard to
 6
     what you claimed to have seen or heard on that date?
 7
        Not in the police station.
 8
        Did you ever sign a police statement in Pakistan?
 9
         (Pausing.) I don't remember.
10
     BY MR. SOSINSKY:
11
         Yesterday, you were asked certain questions regarding
12
     certain changes that took place in the relationship between
13
     your family and the Choudhry family, after -- back in, sometime
14
     in the 2000s, you recall Naseem coming over to your home, do
     you remember that?
15
16
        Right, I remember.
17
        And, by the way, when I say the Choudhry family, I think
18
     you explained yesterday when we looked at the Jeep, the car,
19
     that you your family themselves identified yourselves, at least
20
     on that vehicle, as members of the Choudhry family as well,
21
     that CH, you explained that's what that meant?
2.2
        Not a member of the Choudhry family, the Choudhry Braddery.
23
         Braddery, B-R-A-D-D-E-R-Y, Braddery, is a description of
24
     certain familial relationships, right?
25
         It's actually a caste name. Caste.
```

```
1
         So the caste, C-A-S-T-E, was Choudhry, yes?
 2
     Α
         Right.
 3
         And what does a caste of Choudhry mean? What significance,
 4
     if any, does that have, describing your caste as you did
 5
     apparently on the car as caste Choudhry?
 6
         I don't understand you.
 7
         Well, you just said Choudhry is the caste, right?
 8
         Right.
 9
         Okay. And please explain, based on your understanding,
10
     what significance, if any, does that have in Pakistani culture?
11
         Well, Choudhry is the caste and it is considered to be
12
     as -- because they a region of the village into a different
13
     caste, and the high one is the Choudhry in my understanding.
14
         Would that would be referred to as Choudhry, right?
15
         Right.
     Α
16
         And you mentioned someone a number of times yesterday by
17
     the name of Javed, Javed Iqbal, do you remember that?
18
    Α
         Right, yeah.
19
         Javed Iqbal is actually a cousin of your father's right?
20
         Not close cousin, I mean.
21
         Is he cousin of your father's?
2.2
         We are related but not close.
23
         When you say not close, what do you mean, not by relation
24
     close, or your mean that you didn't maintain a close
25
     relationship, what are you speaking about, ma'am?
```

```
1
         I mean, like they were not first cousins. Like they were
 2
     son and daughter of the sister and brother, I mean.
 3
                They may have been second cousins themselves, right,
         Okay.
 4
     as you understood it, Javed Igbal and your father?
 5
              THE COURT: Do you know the relationship, whether they
 6
     were first cousins, second cousins, second cousins twice
 7
     removed, if you know, tell us. If you don't know, just say you
 8
     don't know and he'll put another question.
 9
              THE WITNESS: I don't know.
10
              THE COURT: If it's some sort of relative, she doesn't
11
     know, let's move on.
12
     BY MR. SOSINSKY:
13
         Yesterday, you said that after this incident where Naseem
14
     came over and there was some conversation regarding contact
15
     between your brother Shujat Abbas and Amina Ajmal, which you
16
     explained more likely was your contact with Amina Ajmal, that
17
     for the next years after that, that your family and the
18
     Choudhry family, Amina's family, would only see each other at
19
     weddings but not weddings of the families, rather weddings
20
     within the village and community, right?
21
     Α
        Right.
2.2
        And that was significant, right, that had some significance
23
     to you, that that wasn't the case any longer, right?
24
         I don't understand you.
25
         Okay. You explained that to the jury yesterday, that after
```

```
Naseem spoke with your family about this perceived contact
 1
 2
     between Shujat Abbas and Amina Ajmal, that no longer would you
 3
     be going to each other's wedding, family weddings, although you
 4
     might see each other at certain weddings within the village
 5
     itself, right?
 6
         I didn't say we go to weddings of each of them in the
 7
     family members of each other. I said we didn't talk to each
 8
     other than wedding of the other Villages.
 9
        Because even after Naseem came to your home, that would be,
10
     I think you were saying yesterday, at about what, 2007 or
11
     eight?
12
         I'm not sure about the year, what year it was.
13
        After that, there was this wedding of Fatima, right, who
14
     was Akmal's daughter, you recall that, right?
15
    Α
        Right.
16
        You recall that?
17
     Α
         I'm sorry. What's that?
18
         Do you recall the wedding of Fatima, who is Akmal's
19
    daughter?
20
         Yeah, I recall that.
21
        And that took place in or around November of 2009, right?
2.2
         It was November, but I'm not sure about what year it was.
23
         Okay. And at that wedding of Akmal's daughter, your mother
24
     herself went to the wedding, right?
25
     Α
         Mother who?
```

```
1
         Your mother went to the wedding, right?
 2
     Α
         Yes.
 3
         And your sister went to the wedding, right?
 4
     Α
         Yes.
 5
         This was of Akmal, right, his daughter, yes?
 6
     Α
         Yes.
 7
         And then there came a time thereafter when one of your
 8
     sisters, Abida, her wedding took place in the winter of 2011,
 9
     right?
10
         Then I'm not sure about the year, but it was my sister's
11
    marriage after that.
12
         Okay. And you recall in the case of your sister that she
13
     had a what's called a nikah, n-i-k-a-h, ceremony in the winter
14
     of 2011 and then there was some sort of a wedding celebration
15
     like a year later, right, that you recall?
16
         Right.
     Α
17
         And the nikah ceremony you know is one in which there is a
18
     religious marriage, right?
19
     Α
         Right.
20
         And you know that the marriage itself is registered, it
21
     becomes official at that nikah in Pakistan, right?
2.2
    Α
         Yes.
23
         And there are witnesses to the wedding ceremony to ensure
24
     that it's being done properly, right?
25
     Α
         Right.
```

```
Yes?
 1
 2
         Right.
 3
         And that wedding, that is your sister, Abida, at the nikah,
 4
     at that time, would it be fair to say that one of the witnesses
 5
     that the family, that your family chose to be an official
 6
     observer and sign the papers at that wedding was the same
 7
     fellow, Javed Iqbal, we've told the jury so much about, right?
 8
         Yes.
 9
         So of all the people who one could choose, your family
10
     chose Javed Iqbal to be the witness to your sister's wedding
11
     which took place wintertime 2011, right, the nikah ceremony,
12
     right?
13
         I don't understand. Can you repeat the question.
14
              THE COURT: Read the question back, please.
15
              (Record read.)
16
         Well, yeah.
     Α
17
     BY MR. SOSINSKY:
18
         The same Javed Iqbal you told us was not a close relation
19
     was the witness to your sister's wedding, right?
20
     Α
         Right.
21
         That is the same Javed Iqbal you told us yesterday you
2.2
     believed had set up the ambush of your family, your mother and
23
     father, when you claimed they drove back from Bernala into
24
     Chiryawala, on January 26th, 2013, right, that's the same
25
     person we're talking about, right?
```

```
1
         Right.
 2
         Something else you mentioned with regard to February 25th,
 3
     2013. From inside the house, that you told the jury you ran
 4
     into and shut the door, you said there came a time when you
 5
     were in there for about a half-hour or so, that you heard
 6
    police sirens, right?
 7
     Α
        Right.
 8
         And even after you heard police sirens, you didn't come out
 9
     of -- police sirens outside on the streets there, you still
10
     stayed within the house, right?
11
     Α
        Right.
12
         You still stayed in the locked room within the house,
13
    right?
14
         Right.
    Α
15
         And the reason you did that, you explained previously, is
16
     because you knew in the past within that village that there
17
     would be fake police sirens used to lure people out of houses
18
     where they then could be attacked after those sirens would ring
19
     out, right?
20
         I don't understand you.
21
              THE COURT: Saying that you believe that there were
2.2
     people who would use -- were not police who would put on the
23
     sirens to try to get people to come out, is that your
24
     understanding?
25
              THE WITNESS: That what I thought.
```

```
1
              THE COURT:
                          That's what you thought?
 2
              Next question?
 3
     BY MR. SOSINSKY:
 4
         When you say that's what you thought, that was based on
 5
     your knowledge of history within that village, right?
 6
         Correct.
 7
         That it was historically true that that had happened?
 8
         No.
 9
         Did you tell that, that is, that this type of thing has
10
     happened within that village, to your knowledge, did you tell
11
     that to Agent Christopher Heck, among others, on April 18th,
12
     2013, about two months after February 25th?
13
         You said did I tell them?
14
         Yes, did you tell Agent Heck when speaking with him, that
15
     the reason why you didn't come out even after you heard police
16
     sirens from that house was because you believed, you knew from
17
     history that there would be, as the judge suggested, fake
18
     sirens used to lure people out of houses, when they came out,
19
     they would then be attacked?
20
         No, I didn't tell them.
21
         When was the first time that you claimed to have met
2.2
     face-to-face Akmal Choudhry, when was that, ma'am?
23
     Α
         You mean with Akmal?
24
         Yes.
25
         I don't remember.
     Α
```

```
1
         Is it true that you never met him face-to-face?
 2
         I said I don't remember.
 3
         Is it true that you never met face-to-face with Akmal
 4
     Choudhry?
 5
         I guess, like I said, I don't remember.
 6
         You told the jury yesterday that when you were at a
 7
     relative's home in Bernala on January 26th, 2013, ma'am, that
 8
     after this phone call that you overheard on a speaker phone,
 9
     you discussed with your parents, your mother and father, that
10
     you should have the police involved before they went back to
11
     town, do you recall giving testimony about that to the jury
     yesterday?
12
13
         Right.
14
         And you said that there was a discussion about that at that
15
     time. But it was decided not to do that, that is, not to get
16
     the police involved, on January 26th, 2013, before they headed
17
     back to the village, right?
18
     Α
         Right.
19
         And you told the jury yesterday, that the reason that it
20
     was decided not to have the police involved was because if your
21
     family got police protection at that time, it would, in your
2.2
     words, make a clear picture that we were involved with Amina
23
     Ajmal leaving Pakistan, right?
24
     Α
         Right.
25
         So, the discussion then on that date concerning this was if
```

you got the police involved, it would be clear that your family 1 2 was indeed involved with Amina leaving Pakistan, right? 3 Α Right. 4 That's why I used the word it would create a clear picture, 5 right? 6 Α Right. 7 On that date, January 26th, 2013, you told us you recall at 8 some point receiving a phone call from your father but the 9 signal went out and although you were speaking, there was no 10 conversation, right? 11 Can you repeat the question again. 12 Yes. On that date you received a phone call from your 13 father, but you couldn't really hear one another and the phone 14 dropped, right? 15 Right. Α 16 You got another call from him several hours later, and you 17 testified regarding what you recall about that phone call, 18 right? 19 Not several hours. Α 20 I'm sorry? 0 21 Not several hours. Like in one hour. 2.2 Did you tell on April 18th, 2013, agents who were speaking 23 with you, that it was hours later after the first call, that 24 you received a second call from your father, right? 25 So here is the thing, I wasn't counting the time how many

```
hours, it's just my estimate. So, it can be -- it can be right
 1
 2
     or cannot be right. So --
 3
         In any event, with regard to the second call, you told the
 4
     jury yesterday that your father was out of breath he sounded to
 5
     you?
 6
     Α
         Yes.
 7
         He told you that he and your mother were okay, right, no
 8
     one had been injured?
 9
         Right.
     Α
10
         And would it be fair so to say that there came a time when
11
     there was yet a third phone call you claim from your father to
12
     you or at least that you picked up in which he provided
13
     additional information, right?
14
         That was late at night.
15
         Sorry?
     0
16
         That was late in the same night.
17
         Well, there was this call you told us about that took
18
     place, that took place later, where your father purportedly
19
     told you that it was Akmal, the person you didn't remember
20
     whether you ever met, it was Akmal firing at them on
21
     January 26th, right, you remember that?
2.2
        I don't understand you.
23
         Okay. It was your father who reported to you on
24
     January 26th, 2013, that Akmal had fired at that Jeep, that
25
     vehicle that we saw pictures of yesterday, right?
```

1 Right. 2 He told you that it was Akmal, it was Babar and it was 3 Mazhar who were firing at that vehicle on that date as it drove 4 on the highway, right? 5 He didn't say that Mazhar was involved in firing. 6 Did he report to you that Akmal, Babar and Mazhar, who is 7 what relation to Babar? 8 I'm sorry. 9 What relation is Mazhar to Babar? 10 I don't know what they were relatives, I don't know what 11 the exact relationship they both have. 12 Your father told you that Akmal, Babar and Mazhar were at 13 this scene where shots were fired, right? 14 I don't exactly remember what sequence, but he didn't say 15 that Mazhar was involved in firing. 16 And what I'm asking you about is an incident that took 17 place after this fellow, Javed Iqbal, who was a witness at your 18 sister's wedding, you told us, he had called your father and 19 urged him to come back to the village, for some further 20 discussions regarding trying to resolve differences, right? 21 Α Right. 2.2 Q I'm sorry? 23 Α Right. 24 And Javed Iqbal, in addition to being a witness at your 25 sister's marriage ceremony, her wedding, he was, I think you

told the jury, a respected political figure within the village, 1 2 he was a member of this -- this group of respected elders, 3 right? 4 That isn't political. 5 He was a member of the group of respected elders, right? 6 Not respected elders. I would say Panchayat. 7 Did you not tell the jury yesterday, as you understood it, 8 I think you used those words, as I understand it, Javed Iqbal 9 is -- was to be the next nazim, right? 10 I didn't say that he is the next nazim. I heard he is 11 going to be a the next nazim. 12 That what I'm asking you, ma'am, you testified yesterday 13 that you heard Javed Iqbal was going to be or was to be the 14 next nazim, right? 15 Α Right. 16 And that's a political figure, right? 17 Α Right. 18 Indeed, not only is it a political figure, but because it's 19 politics and things have progressed somewhat, that's an elected 20 position, right, that people vote on, right? 21 You mean nazim? Α 2.2 Q Yes, ma'am. 23 Α Yes. 24 So, Javed Iqbal was, as you understood it, to be the next 25 nazim. He was also, I think you told the jury, a member of the

```
Punchaid, right?
 1
 2
         Right.
         You which you explained is a group of respected elders
 3
 4
     within the community, within the villages, that meet to discuss
 5
     various intra-familial issues, right? Issue within families?
 6
         I didn't say that respected elders.
 7
     Q
        Are they elders?
 8
         Elders then, yes.
 9
     Q
         I'm sorry?
10
         This is a group of elders, then my answer is yes.
11
         And are they respected, is the Punchaid within the
12
     communities of Pakistan, are they respected by those within the
13
     communities, to your knowledge?
14
        I don't understand you.
15
        Based on your years in Pakistan, ma'am, my question is, are
16
     the members of the Punchaid considered respectable members of
17
     community to whom others can turn for various forms of
18
     assistance with problems?
19
         Can you ask the question differently because I couldn't
20
     understand the whole question.
21
              THE COURT: Read the question back, please.
2.2
              (Record read.)
23
         Yes.
     Α
24
     BY MR. SOSINSKY:
25
         And by the way, nazim, the political office that I was
```

```
asking about earlier, you understand that roughly that would be
 1
 2
     the equivalent of a mayor, right, mayor, M-A-Y-O-R, here in the
 3
     United States and indeed other places, right?
 4
         Right.
 5
         I'm sorry?
 6
     Α
        Right.
 7
         And you told the jury yesterday based on, again, you said
 8
    my knowledge, my understanding, is that the nazims under the
 9
     Pakistani government would be responsible for issues concerning
10
     obtaining funds for the government for infrastructure projects,
11
     roads, schools, things like that, right?
12
         Right.
13
         And providing those services to the various communities
14
     over which they were elected to serve, right?
15
         Right.
     Α
16
         And you said that one of Amina Ajmal's uncles, person by
17
     the name of Afzal, Afzal you understood had been nazim within
18
     this community, right?
19
    Α
         Right.
20
     0
         Now --
21
              THE COURT: Counsel, how much longer do you have with
2.2
     this witness?
23
              MR. SOSINSKY: Probably an hour or so, Judge. Could
24
     be a little less.
25
              THE COURT: All right. We're going to break for lunch
```

```
We'll come back at two o'clock.
 1
     now.
 2
              Again, please don't talk about the case and if you
 3
     happen to run into any of the lawyers or any of staff and they
 4
     run away from you, it's not being rude or impolite, it's just
 5
     the rules of engagement or disengagement as the case may be.
 6
     Thank you. Enjoy your lunch. We'll see you at two.
 7
              (Jury exits.)
 8
              THE COURT: You may step down, ma'am, and again do not
 9
     discuss the case or your testimony with anyone during the
10
     recess.
11
              Do you have any procedural issues we need to go over
12
     now?
1.3
              MS. HECTOR: Not from the government, Your Honor.
14
              MR. SOSINSKY: No, Your Honor.
15
              THE COURT: Okay. See you at two.
16
              (Lunch recess.)
17
              (Continued on the next page.)
18
19
20
21
22
23
24
25
```

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1
              (In open court, outside of the presence of the jury.)
 2
              (Defendant enters the courtroom.)
 3
              THE COURT: Before we bring in the jury, do we have
 4
     any preliminary issues to discuss?
 5
              MS. HECTOR: Not from the government, Your Honor.
 6
              MR. SOSINSKY: No, sir.
 7
              THE COURT: Okay, thank you. Then you can bring in
 8
     the jury, Mr. Jackson.
 9
              (Jury enters courtroom.)
10
              THE COURT: Good afternoon, ladies and gentlemen of
11
     the jury. Please be seated. Thank you for your promptness.
12
              I will ask you, as I have before, have you spoken with
13
     anyone about your testimony during the break?
14
              THE WITNESS: No.
15
              THE COURT: Okay. You may continue your
16
     cross-examination, sir.
17
              MR. SOSINSKY: Thank you, Judge.
18
     CROSS-EXAMINATION (Continued)
19
    BY MR. SOSINSKY:
20
        Ms. Asghar, once again returning to the rough drawing that
21
     you prepared previously that's before you as Exhibit 42A-B, you
2.2
    made some other entries on this morning.
23
              Can I ask you to mark on that the spot where you were
24
    when you told us yesterday and today you saw the seven men with
25
     guns, the two bodies, the motorbike on the ground. Can you
```

```
first point to and then indicate, as the Court will instruct, I
 1
 2
     think, as to what she should write, where you were standing at
     that time.
 3
 4
              MS. HECTOR: Objection; compound question.
 5
              THE COURT: All right. Well, let's first have you
 6
    point to where you were standing at the time. Is that
 7
    reflected on this chart?
 8
        Do you see where it says "bodies"? Yes? Can you indicate
 9
     in relation to where it says "bodies" where you claim that you
10
    were standing when you came upon what you described for us?
11
     Okay, and you're doing that as we speak.
12
        Not exactly. Can you -- approximately, but this is not
1.3
     exactly the place so...
14
              THE COURT: Well, it's approximately where you were
15
     standing, is that what you're saying?
16
        Yes, approximately.
17
              THE COURT: Okay. Why don't you write then on --
18
     she's marking. You have before you the Exhibit 42A-B; is that
19
    right?
20
        Right.
21
              THE COURT: The one you've been marking. Why don't we
    put the word "standing." Can you just write the word
22
23
     "standing"? Is that sufficient, Counsel?
24
              MR. SOSINSKY: Yes, Judge.
25
        (Witness complies.)
     Α
```

1

2

3

4

5

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2.2

23

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25

```
THE COURT:
                      All right. And, ladies and gentlemen of
the jury, when you see this, you'll know that's what it refers
     This is where she was standing. Please continue.
to.
         MR. SOSINSKY:
                          I'm sorry, has she marked that or --
         THE COURT: Yes.
         MR. SOSINSKY: In her own hand? Okay.
         THE COURT: Yes, she marked in -- well, you're not
going to see it, because what you're going to see is what
you've got up at the Elmo.
   Now, yesterday, when you were being asked questions by the
prosecutor, you mentioned an account regarding what happened on
the night that you first learned that Amina Ajmal had left her
home in the village. You remember being asked questions about
that; right?
Α
   Yes.
   And you told us that on that night, this fellow once again,
Javed Iqbal, although you didn't see him at first, you
understood that he had been in your house on the first occasion
that night, right, speaking with your father?
Α
   Right.
   And then you told us that there came a time when Javed
Iqbal returned to your house and once again spoke with your
father; right?
Α
   Right.
   And then you told us that there was yet a third occasion on
```

```
1
     that same night when, once again, Javed Iqbal came to the house
 2
     and spoke with your father; right?
 3
     Α
         No.
 4
         How many times do you recall Javed Igbal coming to your
 5
     house on the night I'm asking you about?
 6
         Well, I saw him once, but I know about -- he came to our
 7
     home for two times.
 8
         And there was also a time on that night when you told the
 9
     jury that your father went to someone else's home and then
10
     returned back to the house; right?
11
     Α
         Right.
12
         And it was your testimony yesterday that after that
13
     occurred, that is, after your father returned to the house,
14
     that you and the family discussed certain things; right?
15
         Right.
     Α
16
         And a decision was made by you all to leave your house
17
     there in the village of Chiryawala and to go to some other
18
     location; right? You recall testifying about that yesterday in
19
     front of the jury?
20
     Α
         Right.
21
         And you told the jury a story about leaving the village
22
     that night, the same night that you learned that Amina Ajmal
23
     had left her home in the village, leaving the village and going
24
     out of town for some four or five nights, something short of a
25
     week; right?
```

```
1
         Right.
 2
         And you told the jury a story about how it was less than a
 3
     week because it was not customary to be able to stay at someone
 4
     else's house for that length -- period of time; right?
 5
         Right.
 6
        Now, do you recall being interviewed, being spoken with in
 7
     2013 -- I'll give you the date in a moment -- on April 18th of
 8
     2013? So that would be a couple months after February 25th,
 9
     2013. Do you remember being interviewed on that date by
10
     federal agents and other officials?
11
         I don't remember about a date, but I had a number of
12
     meetings with them.
13
        And certainly, you remember one of the people present on
14
     April 18th, 2013 during this debriefing was a federal agent by
15
     the name of Chris or Christopher Heck; right? H-e-c-k.
16
        Right.
17
        And you recall that you were asked certain questions with
18
     regard to what transpired on particular days and nights
19
     relevant to what you were describing; right?
20
         Can you repeat your question?
21
         Yes. You were asked particular --
2.2
              MR. SOSINSKY: Judge, I'm sorry, may I?
23
              THE COURT: Go ahead.
24
         Okay. You were asked particular questions with regard to
25
     what occurred on particular days and nights in connection with
```

```
the story you were describing; right?
 1
 2
         I don't remember what they asked me.
 3
         They asked you a number of questions with regard to what
 4
    happened on the night that you were telling them Javed Iqbal
 5
     came to your house a number of times; right? You were
 6
     specifically asked questions focusing your attention on that
 7
     very night; correct? I'm talking about on April 18, 2013.
 8
         I don't understand you. So can you...
 9
         I will rephrase, with the Court's permission.
10
              THE COURT: You may rephrase. You have the Court's
11
    permission.
12
         On April 18th, 2013, you told us you do recall speaking
13
     with federal agents regarding your account; right?
14
              MS. HECTOR: Objection.
15
        You recall that?
     0
16
              MS. HECTOR:
                          Misstates the testimony. She said she
     remembers meetings in April.
17
18
              THE COURT: All right. Look, if you have questions to
19
     ask specifically about the meeting that are supported in the
20
     notes, why don't you just go there. She had a meeting.
21
     doesn't remember the specifics. Why don't you go to the
2.2
     specifics if you've got notes to refresh the witness's
23
     recollection. Okay?
24
              MR. SOSINSKY: Yes.
25
         Do you recall on that date, just focusing on April 18th,
```

```
2013, telling agents on that date that at the end of that night
 1
 2
     you observed your parents go back to their bedroom, that's what
 3
     happened?
 4
         I don't remember when I said that.
 5
         Do you recall describing, again on that date, April 18th,
 6
     2013, what happened on the next day, when your father came home
 7
     and told you certain things?
 8
         I don't remember.
 9
         Do you recall telling federal agents that during that time,
10
     that is, in the days after Javed Igbal had come to your house
11
     initially when you say you learned Amina Ajmal had left her
12
     house, that Javed Iqbal kept coming back to the house?
13
         In the same night?
14
         In the days after that night is my question to you.
                                                                Is
15
     that what you told federal agents on April 18th, 2013?
16
         I don't understand you.
17
         On the night that Javed Iqbal first came to your house and
18
     discussed this issue of Amina Ajmal leaving her house in town,
19
     by the end of that night you and your family discussed that
20
     issue; correct?
21
     Α
         Yes.
2.2
         And after there was that discussion, isn't it a fact that
23
     you watched your mother and father go into their bedroom and go
24
     to sleep?
25
     Α
         No.
```

```
Were you asked on that date questions with regard to what
 1
 2
     happened on the very next day, that is, the day following that
 3
     which you found out Amina Ajmal left town? Were you asked on
 4
     April 18th, 2013 questions about what happened on the very next
 5
     day?
 6
              MS. HECTOR: Objection.
 7
    Α
         I just told you --
 8
              THE COURT: Overruled.
 9
         -- April for -- I told you I had a number of meetings with
10
     them. So I'm not sure about the date.
11
              THE COURT: Would the read the question and the answer
12
     back, please, so the jury can hear. There was some over talk.
1.3
              (Testimony read.)
14
              THE COURT: She's not sure about the date. Why don't
15
     you put another question, Counsel.
16
         Just so we're clear, I'm asking you now only about
17
     questions and answers that were provided by you on the date in
18
     April of 2013 when you were speaking with agents, okay? Just
19
     to focus on that, so there's no question, no confusion. Okay?
20
         (Nods head affirmatively.)
21
              MS. HECTOR: Objection.
2.2
              THE COURT: Sustained. Counsel, I'm going to direct
23
     you now to do it this way: Were you asked this question and
24
     did you give these answers? You've got transcripts.
25
              MR. SOSINSKY: I have no transcripts.
```

```
1
              THE COURT: You've got notes. Do it that way, all
 2
     right?
 3
              MR. SOSINSKY: Yes, sir.
                         Because you're just confusing the record
 4
              THE COURT:
 5
     and wasting time. Let's go.
 6
        Were you asked on April 18th, 2013 by federal agents --
 7
              MS. HECTOR: Objection.
 8
              THE COURT: What's the objection?
 9
              MS. HECTOR: The witness has already said that she
10
    doesn't remember --
11
              THE COURT: He's going to ask from the transcript
12
     whether or not --
1.3
              MS. HECTOR: Your Honor, there's no --
14
              THE COURT: -- it refreshes -- just a minute.
15
     Whether or not it refreshes her recollection that she was asked
16
     certain questions and gave certain answers.
17
              MS. HECTOR:
                           Your Honor, there's no transcript.
              THE COURT: Well, what is there?
18
19
              MR. SOSINSKY: There's a report and there are notes
20
     of the same meeting.
21
              THE COURT: Why don't you refer to the report and --
              MR. SOSINSKY: That's what --
2.2
23
              THE COURT: Wait a minute.
24
              MR. SOSINSKY: I'm sorry, Judge.
25
              THE COURT: Wait a minute. The jury here is trying to
```

```
figure out the facts, okay? You've got notes, reports,
 1
 2
     whatever you've got. Refer to them and ask her if it refreshes
 3
     her recollection. Okay? Would you like me to do it?
 4
              MR. SOSINSKY: Judge, I will do what you instruct, but
 5
     that's what I have been doing.
 6
              THE COURT: I don't think so.
 7
        Were you asked on April 18th, 2013 by federal agents,
 8
     describe --
 9
              THE COURT: The following question and did you give
10
     the following answer, put it in that frame.
11
              MR. SOSINSKY: As the government just told you, I
12
     don't have a question and answer here.
1.3
                           Well, put it in that fashion, were you
              THE COURT:
14
     asked, okay? Can you do that?
15
              MR. SOSINSKY: I will try to.
16
              THE COURT: Good.
17
         On April 18th, 2013, were you asked this question and did
18
     you give this answer? Describe for us what occurred at the end
19
     of that night when Javed Iqbal came to your house. And you
20
     answered, and you answered --
21
              MS. HECTOR: Objection.
2.2
              THE COURT: Wait.
23
         -- Asghar. May I paraphrase the names, sir? Asghar and
24
     Kousar, meaning your mother and father, retreated to their
25
     bedroom after Asghar returned from Igbal's house.
```

```
1
              THE COURT: Overruled. Were you asked that question
 2
     and did you give that answer?
 3
         I don't remember what the answer.
 4
              THE COURT: She doesn't remember. Let's go. You have
 5
     failed to refresh her recollection.
 6
        Okay. Were you asked the following question and did you
 7
     give the following answer? Please describe for us what
 8
    happened on the next day. Your answer --
 9
              MS. HECTOR: Objection. May we have a sidebar?
10
              THE COURT: Overruled. Go ahead.
11
                 The next day, Asghar went to his dairy farm.
        Answer:
                                                                When
12
    he returned home, he told Seemab that he had heard other
13
     villagers talking about Amina running away with Abbas.
14
              THE COURT: Were you asked that question and did you
15
     give that answer?
16
         It was similar, but not -- this wasn't the answer.
17
              THE COURT: The question I'm asking you is, were you
18
     asked that question by the agents and did you give that answer?
19
    Α
        No.
20
              THE COURT: Okay.
        Were you asked on that occasion, again, April 13, 2013 --
21
     April 18th, forgive me, Judge, April 18th, 2013: After that
2.2
23
     next day, describe for us what happened, and did you answer:
24
     During this time, Javed Iqbal kept coming to the house?
25
              THE COURT: Were you asked that question and did you
```

```
1
     give that answer?
 2
         I don't remember.
 3
              THE COURT: You don't remember. Okay, she doesn't
 4
    remember.
 5
         Isn't it a fact that at no time when speaking with federal
 6
     agents on April 18th, 2013, when asked, did you tell anybody
 7
     this account of having left your home that night and gone off
 8
     to another village to stay for up to a week; isn't that a fact?
 9
        I don't understand you.
10
              THE COURT: He's saying when you were interviewed by
11
     the agents on that day, did you tell them the portion of your
12
    history about leaving and going away for a time period? Did
1.3
     that come up that night?
14
        But I had a number of meetings with them, so I don't
15
    know --
16
              THE COURT: It came up at some point; right?
17
    A Yes.
18
              THE COURT: But not that night necessarily, is that
19
     your testimony?
20
        I don't understand.
21
              THE COURT: When did you talk with the agents about
22
     that issue, if ever? Did you ever talk with the agents about
23
     the issue?
24
        I did.
25
              THE COURT: You did?
```

```
(Nods head affirmatively.)
 1
 2
              THE COURT: But it wasn't necessarily on that night;
 3
     is that correct?
         When you say "that night" --
 4
 5
              THE COURT:
                          The night he's asking you about.
 6
     asking about one interview that you had, but you had many
 7
     interviews with the agents; correct?
 8
        Right.
 9
              THE COURT: And at some point when you had interviews
10
     with the agents, did that topic come up?
11
    Α
        Right.
12
              THE COURT: Did it?
13
     Α
        Yes.
14
              THE COURT: Okay, so it came up at some point, but
15
    not necessarily that night?
16
         When you say -- I'm addressing the witness. When you say
17
     the topic came up at some other point, the questions and
18
     answers I just asked you, at the Court's direction, were
19
     directly related to what you did on the night I'm asking you
20
     about, though; right?
21
              On April 18, 2013, you were asked what happened when
     Javed Iqbal left the house; right? You were asked questions
22
23
     about that on the day I'm asking you about, April 18, 2013?
24
         I can't understand him.
25
              THE COURT: Counsel, the witness has said she had many
```

1

2

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4

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6

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2.2

23

24

25

```
meetings with the agents. So why don't you move on.
clearly, in her recollection, didn't come up that night. It's
not shown in the notes that you've got of the interview that
night.
       Let's move on.
                       Okav?
         MR. SOSINSKY: Fine, Judge, I'll move on from that
night.
    When was it that you recall ever telling agents, where they
were taking notes or making a report, that you and your family
had left town that night to go off to this village Kotla, when
was it for the first time that you recall telling federal
agents about that?
    I just told you I had a number of meetings with them, so I
don't remember what date I tell them. I told them, but I don't
know when.
    They were always -- to the best of your recollection, they
were always taking notes when speaking with you, were they not?
    They were.
   You told us yesterday that following you learning that
there had been a shooting on January 26, 2013 that you called
from either your telephone or some family member's telephone to
this person Javed Iqbal. Do you remember testifying about
that?
Α
   Yes.
   And that was after you understood that Javed Iqbal had
planned for your parents to return to the village from Bernala,
```

```
1
     where you understood they had been shot at as they drove in the
 2
     car; right?
 3
         Right.
 4
         It was Javed Iqbal, after all, who you tell us you heard on
 5
     the telephone urging your family to return to town so that
 6
     there could be a discussion, a further discussion held
 7
     concerning this issue between your family and Amina's family;
 8
     right?
 9
         Right.
10
         And it's your testimony that after learning that Javed
11
     Iqbal was involved in that effort to have people shoot at your
12
     family in the car that you took it upon yourself to call him up
13
     and to challenge him about having done so; right?
14
         I don't understand you.
15
         Well, did you call him up afterwards?
16
         I called him.
17
         Okay. And you called him for the specific purpose of
18
     confronting Javed Iqbal, the person you told us you understood
19
     was soon to be the mayor or Nazim of the village, you called
20
     him to challenge him about his involvement in having had your
21
     parents shot at; right?
2.2
     Α
         Right.
23
         And Javed Iqbal, you told us as well yesterday, was, as far
24
     as you knew, a member of this Punchaid, this council that would
25
     attempt to resolve disputes; right?
```

1 Α Right. 2 And it was -- it was very, very unusual for a woman -- I'm 3 talking about now in Pakistan -- for a woman to address the 4 Punchaid: correct? 5 Correct. 6 It was very unusual for a woman to call and to challenge an 7 elder, a member of the Punchaid; right? 8 Right. Right. 9 It was very uncommon for someone to challenge a political 10 official, a woman to challenge a political official in some sort of a confrontational phone call or meeting; right? 11 12 You say in reference to political official. He was not in 13 a political position. 14 He was, as you understood it, you told us yesterday, to be 15 the next Nazim or mayor, right, as you understood it? 16 He was going to be a Nazim. He was not a Nazim at that 17 time. 18 He was on the Punchaid; right? 19 Punchaid is not a political position. Α 20 I'm asking a different question. He was on the Punchaid; 21 correct? 2.2 Α Yes. 23 And after you challenged Javed Iqbal in this phone call, 24 you told the jury yesterday that a member of your extended 25 family scolded you, told you do you realize what you've just

```
done; right?
 1
 2
         Right.
 3
         That you've now made matters much worse by doing such a
 4
     thing; right?
 5
         Right.
 6
         By challenging now not only family members, perhaps, but
 7
     now members of the Punchaid, this group of elders that are
 8
     there to attempt to resolve disputes; right?
 9
         Can you repeat your question again?
10
         Yes.
11
              THE COURT: Read it back, please.
12
              (Question read.)
13
         So is your question did my family member said that to me
14
     or --
15
         That was what you understood your family member was
16
     speaking to you about, that was the subject about which they
17
     were talking to you; right?
18
         But in my understanding, it was not the Punchaid is going
19
     to be trouble for my family or bring up trouble for my family.
20
         By virtue of your calling up and confronting Javed Igbal,
21
     right, that's what we were talking about, that that was the
2.2
     additional trouble that you were causing; right?
23
     Α
        Right.
24
         By the way, when you called up this member of the Punchaid,
25
     Javed Iqbal, he denied to you that he was at all involved in
```

```
whatever you were complaining of; right?
 1
 2
         He didn't say that he was not involved in. He said, I
 3
     don't have knowledge about any incident.
 4
         Well, when he said he doesn't know what you're talking
 5
     about or denied knowledge, right, did that mean to you, whether
 6
     you believed him or not, okay, according to your account, that
 7
     he was not involved? He was telling you he didn't even know
 8
     about it; right?
 9
         I don't understand you.
10
         Well, he was telling you that he didn't know about it;
11
    right?
12
         Yes.
13
        He didn't know what you were referring to; right?
14
    Α
        Right.
15
         Okay. And he also told you that someone who you said
16
     earlier when I was asking you questions you had not been told
17
     was involved in the shooting, this person Mazhar Iqbal, he also
18
     told you that Mazhar Iqbal had been with him for the last
19
    number of hours; right?
20
     Α
         Right.
21
         And you were not in the village on the night of January --
2.2
     on the night of January 26, 2013, when you tell us this
23
     shooting took place; right?
24
     Α
         Right.
25
         And so at the end of that conversation with the member of
```

```
the Punchaid, Javed Iqbal, it's your testimony that you told
 1
 2
     him you knew he was lying, he wasn't being honest with you,
 3
     that he was involved in what had taken place; right?
 4
                 In my understanding, he was lying with me.
 5
         That's what I'm asking you. And you told him as much;
 6
     right?
 7
     Α
         Right.
 8
        And at some point, you tell us you returned to your home,
 9
     either the next day or the day after that, and lo and behold,
10
     on that date again this person, Javed Iqbal, is sitting in your
11
     living or conference room talking with your family; right?
12
        No, I didn't say that.
13
         Did you tell us yesterday that when you returned home from
14
     Bernala following the events I was just asking you about that
15
     Javed Igbal was inside your home?
16
        Not when I returned back, he was not there.
17
        Was he there the next day when you came back to your house?
18
        He was not there, but when I returned back to the home,
19
     he -- then he came into the home. He was not there already.
20
               Whenever it was that you first returned from Bernala
21
     to your home, whenever that was, Javed Iqbal came to your
2.2
    house, right, that same day?
23
     Α
        Yes.
24
         He came in and once again he sat down with your father;
25
     right?
```

```
1
         Right.
 2
         And you were right there when that happened, you told us;
 3
     right?
 4
         Right.
 5
         You were right there with the person who you had spoken
 6
     with just the day before and on the phone did the things we
 7
     were just talking about; right?
 8
        Right.
 9
         And on that occasion, you were able to hear what was being
10
     discussed on the telephone, even though you tell us it wasn't
11
     on speakerphone this time; right?
12
         I was able.
13
         It was not on speakerphone this time; right?
14
        No, it wasn't a speakerphone.
15
                         Counsel, all of this has been gone over
              THE COURT:
16
     at least twice and the jury has heard it at least twice and I
17
     don't think they need to hear it a third time. So while I
18
     don't want to cut off real cross-examination, if you're just
19
     going to go over areas and details of meetings for the third
20
     time, I'm going to ask you to end your examination in the next
21
     five minutes.
22
              MR. SOSINSKY: Judge, I don't think I asked a single
23
     question about her conversation with Javed Iqbal.
                          I think it's been gone over and over and
24
              THE COURT:
25
     you keep saying once again, once again. Your own questions
```

1 reflect the fact that you're going over areas and asking her to 2 testify yet again about other matters that she's already 3 testified to. So I'm going to give you ten more minutes to 4 wrap this up. Use them wisely. 5 In the days following you learning Amina Ajmal had left the 6 family, would it be fair to say, in addition to Javed Iqbal, 7 that there were many relatives of your father who came over to meet with him? 8 9 My father's relatives? 10 Yes, ma'am. 11 Α No. 12 Did you tell -- on the same date I asked you about earlier, 13 April 13, 2013, were you specifically asked who was coming over 14 to the home on those occasions and did you tell those agents 15 that relatives of your father during that time period were 16 coming over to your home? 17 Except Zameer, his family, I don't remember that I tell 18 about anyone that they came to our home. 19 Ma'am, did friends of your grandfather from Bahrain come 20 over to speak with your father, to meet with him, friends of 21 your grandfather from Bahrain? 2.2 You refresh my memory. Yes. 23 Did the Punchaid come specifically and meet at your house? 24 Α Right. 25 Did various respected members of the community meet at your

```
house?
 1
 2
         Yes.
 3
         There was an occasion during this period of time when your
 4
    mother went in during the meeting of the Punchaid and addressed
     them; correct?
 5
 6
         Yes, correct.
 7
         And that was very unusual, in your experience; right?
 8
     Α
         Right.
 9
         You told us yesterday, going back somewhat in time, that
10
     you attended a wedding of Amina Ajmal's sisters; correct?
11
     Α
         Correct.
12
              THE COURT: See what I mean about going over ground
13
     that's been plowed over two, three, four times now?
14
              MR. SOSINSKY: Judge, I never asked a single question
15
     about this.
16
              THE COURT: I didn't say you did, but it's been asked
17
     about.
18
              MR. SOSINSKY: On direct it was, yes.
19
              THE COURT: Yes.
                                 So let's have some different
20
     questions on cross.
21
         At that wedding, did you sit with Amina Ajmal?
2.2
     Α
        Yes.
23
         And at that wedding in 2007, she told you that this person
24
     Babar was her fiancee; correct?
25
     Α
         Yes.
```

```
1
         In fact, she pointed him out to you at that wedding;
 2
     correct?
 3
         Right.
     Α
 4
         And after Amina Ajmal left at that time to go back to the
 5
     United States, you and her stayed in contact somewhat; right?
 6
         Right.
     Α
 7
         And you were in contact through 2007-8, you estimated;
 8
    right?
 9
         Not for like 2007 and 2008. It was like just for a few
10
    months after that. So I don't know about 2008.
11
         She called you on the telephone?
     Q
12
     Α
         Yes.
13
         You called her?
     Q
14
    Α
        Sometimes.
15
        You would talk about various family weddings; right?
     0
16
         Yes.
17
         You would talk about other people's weddings within the
18
     village in Pakistan?
19
    Α
         Yes.
20
         You would compare notes, if you will, about weddings to be
21
    held within the village; right?
2.2
    Α
         I don't understand you.
23
         Would you and her gossip about weddings and other events
24
     that were taking place within the village when you spoke with
25
     her during that time period?
```

```
1
         Yes, similar to these kind of conversations.
 2
        And when Amina returned to Pakistan towards the end of
 3
     2009, you would see her at various social events and weddings
 4
     throughout that time period; correct?
 5
         Yes.
 6
              MR. SOSINSKY: That's all the questions I have, Judge.
 7
              THE COURT: Thank you. Redirect?
 8
              MS. HECTOR: Yes, briefly, Your Honor.
 9
              THE COURT: Briefly is good.
10
              MR. HECTOR: Perhaps before we start, we should move
11
     into evidence the 42A-B that has now been marked up by the
12
     witness. We have no objection to that.
1.3
              THE COURT: Any objection?
14
              MR. SOSINSKY: Of course not.
15
              THE COURT: All right. It's admitted in evidence.
16
     That's 42A-B. So the jury will have the marked-up version to
17
     look at that shows the positions. Okay.
18
              (Exhibit 42A-B received in evidence.)
19
     REDIRECT EXAMINATION
20
    BY MR. HECTOR:
21
        Ms. Asghar, is it fair to say that you start -- that you
2.2
     arrived in the United States some time in the spring of 2013?
23
     Α
        Yes.
24
        Did you start having meetings with agents and members of
25
     the government at that time?
```

S. ASGHAR/REDIRECT/HECTOR

1 Α Yes. 2 And have you continued to meet with agents and members of 3 the government up to the present time? 4 Yes. 5 Would it be fair to say that you had more than 10 or 15 6 meetings with the government and agents? 7 Α Yes. 8 And is it also fair to say that a lot of those meetings 9 were multiple-hour meetings? 10 Yes. Α 11 Were interpreters used for some of those meetings? 12 In the first meeting there was an interpreter, but later 13 there was confusion, so I didn't use an interpreter after that. 14 When you would meet with agents and members of the 15 government, was there a court reporter or someone like the 16 person sitting here right now doing a transcript of the 17 meeting? 18 I don't understand. 19 See how we have a court reporter here that is taking down a 20 transcript of the meeting. Do you see that? 2.1 They were writing the notes. 2.2 Were agents -- who was writing notes during the meeting? 23 Α I remember the agents, they were taking the notes. 24 When the agents -- when you would finish meeting for the 25 day, would the agents show you their notes that they had taken?

S. ASGHAR/REDIRECT/HECTOR

```
1
         No.
 2
         Did they ask you to review their notes and tell you if
 3
     anything they had written down was inaccurate or a
 4
    misunderstanding?
 5
         No.
 6
         On cross-examination, you were asked about that
 7
     conversation you had with Javed Iqbal shortly after your
 8
    parents' car was shot at. Do you remember that?
 9
         Yes.
10
         Do you remember on direct examination explaining that you
11
     felt you had caught Javed in a contradiction?
12
         Yes.
13
         Can you explain to the jury what that contradiction was, in
14
     your mind?
15
         When I asked him about the shooting incident, he said he
16
     don't have any knowledge about any incident because he was
17
     sleeping for the last two hours. And then I said, Mazhar was
18
     also there. He said, no, I'm talking to Mazhar for the last
19
     two hours. We're together.
20
              So that was a contradiction. He said, I'm sleeping;
21
     and then he said, Mazhar was with me, we both were talking.
     That was a contradiction in his statement.
2.2
23
         Did you confront him on the phone about that contradiction?
24
     Α
         Yes.
25
         What did he do when you confronted him?
```

1 He got off the phone. 2 Now, you were also asked about the phone call you received 3 from your father after his car was shot at. Do you remember 4 that? 5 Yes. 6 And you testified that your father told you that Akmal and 7 his group had done the attack; is that right? 8 Right. Α 9 Did your father tell you anything about Mazhar during that 10 call? 11 Α Yes. 12 What did he say about Mazhar? 13 He said Mazhar was also in the street. 14 You were also asked some questions about having met with 15 officials at the U.S. Consulate when you were still in 16 Do you remember that? Pakistan. 17 Α Yes. 18 Is it fair to say that that meeting occurred a little less 19 than two weeks after the murder? 20 Α Yes. Now, between the time of the murder and when you met with 21 2.2 the officials at the U.S. Consulate, had you heard things from 23 other villagers about what happened on the day of the shooting? 24 Α Yes. 25 Now, I want to be clear about what you saw when you arrived

```
1
     at the scene of the shooting, okay?
 2
         Okay.
 3
         When you arrived, was it clear to you that your father and
 4
     your sister had already been shot?
 5
         You mean shot -- I mean...
 6
         Did it appear to you that your father and sister were
 7
     injured at the time you arrived on the scene?
 8
         Yes.
 9
         Were either your father or your sister saying anything or
10
     screaming?
11
     Α
         No.
12
         And you said that when you arrived, you saw Akmal there as
13
     one of the people; right?
14
        Right.
    Α
15
        And am I correct that the other people you recognized were
16
     Nisar, Babar, and Sain Ashfaq?
17
     Α
         Yes.
18
         And what direction was Akmal's gun pointed in when you saw
19
    Akmal?
20
         It was pointing to -- towards the head of my sister.
21
         Now, you previously mentioned that other people were
2.2
     shooting when you got to the scene; right?
23
     Α
         Right.
24
         Was it the four people I just named or was it other people?
25
     Α
         There were other peoples.
```

1 And did you say they were shooting in the air? 2 Α Yes. 3 Could you see those people's faces? 4 Α No. 5 Were they faced towards you or to the side of you or was 6 their back to you or somewhere in between? 7 Their back to me. I couldn't -- I was not able to see 8 their faces. 9 Now, you were asked a lot of questions on cross-examination 10 about the timing between when you got off the bus and when you 11 got to the scene of the shooting. Do you remember that? 12 Yes. 1.3 Do you wear a watch or did you wear a watch when you were 14 living in Chiryawala? 15 Sometimes. Not always. Α 16 Were you wearing a watch that day? 17 Α No. 18 Do you remember ever looking at a watch that day between 19 the time you got off the bus and the time that you arrived at 20 the scene of the shooting? 21 I don't remember. You testified about the time you think it was when you got 2.2 23 off the bus; right? 24 Α Right. 25 And you also testified about how long, approximately, it

```
takes for you to walk home; right?
 1
 2
         Right.
 3
         Other than the time that you think you got off the bus and
 4
     the amount of time you think it takes for you to walk home, do
 5
     you have any other way of knowing the exact time at which you
 6
    heard the shots?
 7
              MR. SOSINSKY: Objection to the form.
 8
              THE COURT: Overruled.
 9
         Personally, I don't have any way.
10
         Now, still focusing on when you were walking home from the
11
     bus, you said that at some point you saw your sister and your
12
     dad and Zameer on the motorbike; right?
13
     Α
         Right.
14
         After you saw them on the motorbike, did they go out of
15
    your sight?
16
         Sorry?
17
         I'll ask it in a different way. After you saw your sister
18
     and your dad and Zameer on the motorbike, did they pass out of
19
     your sight?
20
         I mean, we both were going to the home, so they were on the
21
     road and I was in the -- in the field way. So...
2.2
         Were you able to see them on the bike from the time you
23
     first saw them until the time you heard shots?
24
     Α
         Yes.
25
         So let me just ask this. I want to make sure I'm
```

```
understanding you correctly. You're walking home; right?
 1
 2
         Right.
 3
         You see your sister and your father and Zameer on the
 4
    motorbike; right?
 5
         Right.
 6
        And you waved?
 7
     Α
        Yes.
 8
         And then what happened to the motorbike? What did you see?
 9
         How to explain that? The motorbike, it went to -- on
10
     the -- toward the home.
11
         And as the motorbike went towards the home, could you
12
     continue to see the motorbike all the way to your home?
13
     Α
         No.
14
         When you first saw the motorbike, was that before you got
15
    to the mosque and heard the shots?
16
         When I saw the motorbike?
17
     Q
        Yes.
18
        (Nods head affirmatively.)
19
              THE COURT: You have to answer her out loud.
20
         You were asked some questions about running into the house
21
     after you saw the bodies of your family members and people
2.2
     started chasing you. Do you remember that?
23
     Α
        Yes.
24
         Can you describe what was going through your head as you
25
     were running into that house?
```

I was scared because they were chasing us, my mom and 1 2 myself, and I didn't know if my mom is okay or did they find 3 her already. So I was scared. 4 When you got into the room and locked the door --5 Yes. 6 -- you testified that you could hear people outside; right? 7 Α Yes. 8 And you testified about hearing someone who sounded like 9 they were talking on a phone; right? 10 Right. Α 11 Can you describe the tone of that voice that you heard? 12 It was loud and sort of brassy, you know, like when someone 13 is talking loudly on the phone. 14 Could you hear anyone responding to what that person was 15 saying? 16 No. 17 I'd like to ask you just a few questions about Akmal, okay? 18 Α Yes. 19 Prior to the shooting on your parents' car, okay, back in 20 the days when there was no issue between your family and 21 Amina's family, can you think back to that time? 22 Α Yes. 23 During that time, were there occasions that you would see 24 Akmal at weddings and things like that? 25 Α Yes.

```
1
         Would you ever see Akmal when you were walking in the
 2
     village?
 3
     Α
         Yes.
 4
         Would it have been considered appropriate at something like
 5
     a wedding for you yourself to walk up to Akmal and start
 6
     talking to him?
 7
         It was not okay in our culture.
 8
         What is not okay in your culture about that?
 9
         A young girl is talking to an old person in the community,
10
     because we don't have any subject to talk about, so why I would
11
     talk to him?
12
         You were also asked some questions on cross-examination
13
     about Javed. Do you remember that?
14
         Yes.
     Α
15
         Now, I'd like to focus you on the time period when you
16
     first learned about the issue between your family and Amina's
17
     family. Can you think back to that time period?
18
         Yes.
     Α
19
         When you first learned about this issue, was there a time
20
     when you and your family thought that perhaps Javed might help
21
     your family negotiate the issue with Amina's family or resolve
2.2
     the issue with Amina's family?
23
         Well, at some point we realized maybe he was trying to make
24
     the thing fine, back into the tribe or -- we were confused
25
     about him.
```

```
Did there also come a time when you no longer thought that
 1
 2
     Javed was going to help your family in any way?
 3
              MR. SOSINSKY: Objection for leading.
 4
              THE COURT: Overruled. Put the question again, Ms.
 5
    Hector, and we'll have an answer.
 6
         The question was, did there also come a time when you no
 7
     longer thought that Javed was someone who might help your
 8
     family resolve the situation with Amina's family?
 9
         Yes.
10
              MS. HECTOR: No further questions.
11
              THE COURT: You may step down. Thank you.
              MR. SOSINSKY: Judge.
12
1.3
              THE COURT: No, you're done. Thank you ma'am.
14
              MR. SOSINSKY: Judge, I have --
15
              THE COURT: No, you don't.
16
              MR. SOSINSKY: Can I be heard?
17
              THE COURT: No.
                               Thank you, ma'am. Call your next
18
     witness, please.
19
                          Your Honor, the government calls Special
              MR. TUCKER:
20
     Agent Christopher Heck.
2.1
              (Witness sworn.)
2.2
              THE COURT: Please be seated, sir, and speak slowly
23
     and clearly into the mic. I'd like you to state your name and
24
     to spell it for the reporter, and then counsel will have some
25
     questions for you. And speak up and into the mic.
```

```
1
              THE WITNESS: Yes, Your Honor. First name is
 2
     Christopher, C-h-r-i-s-t-o-p-h-e-r. Last name is Heck,
 3
     H-e-c-k.
 4
              THE COURT:
                          You may proceed, Counsel.
 5
              MR. TUCKER:
                           Thank you, Your Honor.
 6
              CHRISTOPHER HECK, called by the Government, having
 7
     been first duly sworn, was examined and testified as follows:
 8
     DIRECT EXAMINATION
     BY MR. TUCKER:
 9
10
        Good afternoon, Agent Heck.
11
        Good afternoon.
12
        By whom are you employed?
13
         I am currently employed by the Department of Homeland
14
     Security, Homeland Security Investigations.
15
         How long have you been with the Department of Homeland
16
     Security?
17
         I've been with the Department of Homeland Security for
18
     approximately 11 years, the last five and a half years as a
19
     special agent.
20
         What does it mean to be a special agent?
21
         We are criminal investigators charged with enforcing and
2.2
     investigating U.S. criminal law.
23
         Where are you currently assigned?
24
         I'm currently on an 18-month detail in Washington, D.C. to
25
     the National Targeting Center, which is run by U.S. Customs and
```

```
Border Protection.
 1
 2
         What's the National Targeting Center?
 3
         The National Targeting Center is a border coordination
 4
     center that is operated by U.S. Customs and Border Protection,
 5
     the folks that are at international ports of entry. The main
 6
     goal of the National Targeting Center is to prevent terrorists
 7
     from entering the United States.
              Homeland Security Investigations has a unit there to
 8
     support investigative efforts nationwide, in concert with U.S.
 9
10
     Customs and Border Protection. So we work on drug smuggling
11
     investigations, money laundering investigations, et cetera.
12
         You said you're on a detail down there?
13
         That is correct. I am currently on a TDY, a long-term
14
     assignment for 18 months.
15
         What's a TDY?
     0
16
         It's called a temporary duty assignment. So I'm
17
     theoretically still assigned to the New York office. I am just
18
     down in Washington, D.C. for 18 months.
19
        Does TDY stand for temporary duty yonder?
     0
20
     Α
        Precisely.
21
         I'm going to turn your attention back to February 2013.
2.2
     Where were you assigned at that time?
23
         February 2013, I was assigned to Homeland Security
24
     Investigations' New York field office, to the Document and
25
     Benefit Fraud Task Force.
```

```
What does the Document and Benefit Fraud Task Force do?
 1
 2
         The Document and Benefit Fraud Task Force, our sole
 3
     responsibility is to enforce immigration laws and protect the
 4
     integrity of the immigration system, primarily here in the New
 5
     York area, do visa fraud investigations, passport fraud
 6
     investigations, human smuggling investigations, among a variety
 7
     of others.
 8
         During this period around February 2013, did you work with
 9
     other agents on an investigation involving the defendant,
10
     Mohammad Ajmal Choudhry?
11
         Yes, we did work on an investigation concerning the
12
     defendant, Mohammad Ajmal Choudhry.
13
         Please tell the jury how that investigation began.
14
         The investigation began February 2013. Our senior
15
     management at the New York field office with Homeland Security
16
     Investigations received information from Amina Ajmal, the
17
     defendant's daughter, that immigration paperwork may have been
18
     filed on her behalf without her consent, and also that the
19
     defendant was allegedly making threats in Pakistan.
20
         What types of threats was the defendant allegedly making?
21
              MR. SOSINSKY: Objection, Judge.
2.2
              THE COURT: Overruled.
23
     Α
         Death threats.
24
         Was the defendant in Pakistan during that time, based on
25
     the information that you had?
```

```
1
         The defendant was not. He was located at the time in
 2
     Brooklyn, New York.
 3
         So he was making the threats from Brooklyn?
 4
              MR. SOSINSKY: Objection.
 5
              THE COURT: Overruled.
 6
         That is correct.
     Α
 7
         Based on that information, did you and other agents
 8
     initiate an investigation?
 9
         Yes, we did.
10
        What's the first investigative step that you took?
         Yes. As soon as we received the information from our
11
12
     senior management, our first step was to look and see --
1.3
                          I'm going to ask you to slow it down and
              THE COURT:
14
     channel your inner Lord Vader speech pattern, not your inner
15
     Woody Allen. Okay? Give the reporter a break. Slow it down a
16
     little bit. Go ahead.
17
        Yes, Your Honor. February 2013, we received the
18
     information. We began to look to see if an immigration -- any
19
     immigration paperwork or filings had been filed for -- on
20
     behalf of Amina Ajmal.
21
        How did you make that inquiry?
2.2
        We looked through law enforcement databases.
23
        And what did you find?
24
         We found a -- what's known as a petition in the databases
25
     for Amina Ajmal. She was the petitioner, and the beneficiary
```

1 was Abrar Babar. 2 After you made that inquiry in your law enforcement 3 databases, what was the next investigative step that you took? 4 The next investigative step we took was we conducted an 5 interview with Amina Ajmal. 6 Did you ultimately conduct multiple interviews with Amina 7 Ajmal around this time? 8 Yes. 9 During one of these interviews with Amina Ajmal, did you 10 also speak with an individual named Shujat Abbas? 11 We did via telephone. 12 Where did you understand Shujat Abbas was located during 1.3 that time? 14 In Pakistan. 15 Now, based on your interviews with Amina and Shujat, what 16 was the focus of your investigation, going forward? 17 The focus of our investigation primarily was to learn 18 additional details about the immigration paperwork that was 19 filed on Amina Ajmal's behalf without her consent, as well as 20 the threats that the defendant was making and the violence in 21 Pakistan. 2.2 Did you contact U.S. Consular officials in Pakistan around 23 this time? 24 I did not. However, other agents did. Another agent did.

What was the purpose of contacting officials in Pakistan?

25

```
A few days later, after doing the initial interview of
 1
 2
     Amina Ajmal, we sent a lead or collateral request for
 3
     investigation to the Consulate in Lahore, to assess the
 4
     credibility of Shujat Abbas as well as the threats against him.
 5
         Now, you've testified that at this point you had some
 6
     awareness of possible threats?
 7
     Α
         That is correct.
 8
         Against Shujat Abbas?
 9
         That is correct.
10
         Did the U.S. government provide any security for Shujat
     Abbas and his family in Pakistan during this time?
11
12
              MR. SOSINSKY: Objection.
1.3
              THE COURT: Overruled.
14
             We -- the U.S. Government is unable to if they're
         No.
15
     Pakistan citizens, nationals of Pakistan residing in Pakistan.
16
     The U.S. government could not provide any protection at that
17
     time or any other time.
18
         Why is that?
19
         Due primarily to the lack of agreement or the feuding
20
    between the two countries.
21
         Are U.S. federal agents allowed to move around and enforce
2.2
     the laws in Pakistan?
23
     Α
         They are not.
24
         As part of your role in this investigation, did you oversee
25
     the making of consensual recordings of telephone conversations
```

```
between Amina Ajmal and the defendant?
 1
 2
         I did.
 3
         And just once again, what is the relationship between Amina
 4
     and the defendant?
 5
         Amina Ajmal is the defendant, Mohammad Ajmal Choudhry's
 6
     daughter.
 7
         Now, what is a consensually monitored telephone call?
 8
         Sure. A consensually monitored telephone call is primarily
 9
     usually between two participants, where one participant
10
     consents to the monitored recording and allows law
11
     enforcement -- it's a law enforcement tool. It allows law
12
     enforcement to listen in to the telephone conversations, as
13
     long as one party consents to that.
14
         Why is it --
15
              THE COURT: Just to listen or to record them?
16
         To listen and to record.
17
              MR. TUCKER:
                           Thank you, Judge.
18
         Why is it important for a party to consent to the
19
     conversation being recorded?
20
         As long as one party consents to the recording, it is
     permissible by law.
21
2.2
         When you make consensual recordings like this as part of a
23
     law enforcement investigation, does the other party know that
24
     the conversation is being recorded?
25
     Α
         No.
```

What's the point of that? 1 2 The point is to receive natural commun -- or natural 3 conversations so that they don't realize that law enforcement 4 is listening in to their conversation. 5 Altogether, how many consensually monitored calls were made 6 as part of this investigation? 7 Α A total of six. 8 Over what period of time did those consensually monitored 9 calls occur? 10 Approximately ten days. 11 Can you give us the dates? 12 I'm sorry. February 15th, 2013 to February 25th, 2013. 1.3 If we could turn on just the jury -- I'm sorry, just the 14 witness's screen for a moment. 15 I'm showing you, Agent Heck, what's been marked for 16 identification as Government's Exhibit 100. Do you recognize 17 this item? 18 Yes, I do. 19 What is it? 0 20 It is a CD that contains recordings of the consensually 21 monitored recordings I just spoke about. 2.2 Q How do you recognize this CD? 23 Α I labeled it "consensuals" and initialed on the yellow tab. 24 Have you previously reviewed the contents of Government's 25 Exhibit 100?

```
1
     Α
         I have.
 2
         And is the contents an accurate copy of the audio
 3
     consensual recordings that you've been testifying about here
 4
     this afternoon?
 5
         That is correct.
 6
              MR. TUCKER:
                          Your Honor, the government moves to
 7
     admit Government Exhibit 100 into evidence.
 8
              THE COURT: Any objection?
 9
              MR. SOSINSKY: No.
10
              THE COURT: It's admitted.
11
              (Government Exhibit 100 received in evidence.)
12
              THE COURT: You may play it for the jury.
1.3
                           Thank you, Your Honor. Just a couple
              MR. TUCKER:
14
    more questions, then we'll move on to that.
15
         When you started this process of consensually recording
16
     these calls between Amina and the defendant, what was your
17
     investigative goal in making these consensually recorded calls?
18
         Our investigative goal at the time was to learn more about
19
     the immigration paperwork that had been filed on Amina Ajmal's
20
     behalf and without her consent, as well as the defendant's
21
     threats and violence in Pakistan.
2.2
         So I want to turn your attention now to February 15th,
     2013. Is that the date of the first consensual call?
23
24
         That is correct.
25
        Please describe for the jury the technical process by which
```

you made these recordings. 1 2 So in this instance, we had a small digital recorder about 3 three or four inches long. That's a normal digital recorder. There's a microphone that is placed in the port and an earbud 4 5 is placed in the cooperating person's ear, and that telephone 6 call is then made. 7 And does the recording device capture both what's being 8 said by the person making the call and also the person that 9 they're speaking with on the other end of the line? 10 It does. 11 Who were the participants in the February 15th, 2013 call? 12 Amina Ajmal and the defendant, Mohammad Ajmal Choudhry. 1.3 What language did they speak in that call? 14 Punjabi. Α 15 Do you speak Punjabi, Agent Heck? 0 16 I do not. 17 What instructions did you give to Amina before making this 18 first consensually recorded call, if any? 19 The instructions we gave Amina Ajmal is that we wanted to 20 learn additional details about who may have filed the 21 immigration paperwork on her behalf, as well as the defendant's 2.2 threats and the current violence that was taking place in 23 Pakistan. 24 Did you give Amina specific questions that you wanted to 25 ask?

1 We did not. 2 Did you give her a script of things that she was supposed 3 to say during the call? 4 We did not. 5 Did you role play with Amina in any way prior to this 6 recording? 7 We did not. Α 8 Did you give Amina any instructions about things that she 9 was not to say during the consensually recorded call? 10 The only thing we told her not to say was, for safety 11 reasons, is not to disclose her location or where she was 12 currently residing. 1.3 During this first call on February 15th, 2013, did you make 14 this call directly from where you and Amina were to the defendant? 15 16 No, we did not. 17 What did you do? 18 Yes. We patched the phone call through what is known as 19 Sector. 20 And that's S-e-c-t-o-r? 21 Α That is correct. 2.2 Q What is Sector? 23 Sector is our communications center, primarily for DHS and 24 for HSI. 25 What's the point of patching this call through Sector as

```
1
     opposed to just making the call directly?
 2
         Yes, so the purpose of patching the call through in this
 3
     instance is to mask where the actual phone call is taking place
 4
     from, in order to not disclose the potential location of where
 5
     the phone call is taking place.
 6
         Where were you and Amina and the other agents actually
 7
     located when you made this consensually monitored call?
 8
         We were in New York, New York, in Manhattan.
 9
        And were you in any particular offices?
10
        We were located in the HSI New York field office, in a
11
     conference room.
12
              MR. TUCKER: Your Honor, with the Court's permission,
13
     I'd like to read into the record now what's been marked for
14
     identification as Government's Exhibit 107, and that's a
15
     stipulation between the parties that defense counsel has
16
     signed.
17
              THE COURT: It's admitted unless there's any
18
     objection. Is there any objection?
19
              MR. SOSINSKY: I signed it.
              THE COURT: Is there any objection?
20
21
              MR. SOSINSKY: No, sir.
2.2
              THE COURT: All right. It's admitted into evidence.
23
     You may publish it to the jury, you may read it or you may do
24
     both.
25
              (Government Exhibit 107 received in evidence.)
```

```
1
              MR. TUCKER:
                           Thank you, Your Honor. Can we turn on
 2
     the jury screens?
 3
              (Exhibit published to the jury.)
 4
              MR. TUCKER: So I'm showing now what is in evidence as
 5
     Government Exhibit 107, and I'm just going to read it into the
 6
     record. "It is hereby stipulated" --
 7
              THE COURT: And you're going to channel your inner
 8
    Lord Vader speech pattern, too, because, like everyone else,
 9
     you speed it up when you start to read.
10
              MR. TUCKER: Absolutely, Your Honor.
11
              THE COURT: Go ahead.
12
              MR. TUCKER: "It is hereby stipulated and agreed by
13
     and between the United States of America, by Assistant United
14
     States Attorneys Amanda Hector, Richard M. Tucker and Margaret
15
     E. Gandy, and the defendant, Mohammad Ajmal Choudhry, by his
16
     attorney, Frederick L. Sosinsky, Esquire, that: Government
17
     Exhibits 101, 102, 103, 104, 105 and 106 are fair and accurate
18
     transcriptions and translations from Punjabi to English of
19
     consensually recorded telephone calls on February 15, 2013,
20
     February 20, 2013, February 21, 2013 and February 25, 2013.
21
     Government Exhibits 101, 102, 103, 104, 105, 106 and this
22
     stipulation are admissible in evidence at trial." And it's
23
     dated June 23rd, 2014 and signed by counsel for the parties.
24
              Your Honor, with that, the government moves to admit
25
     Government's Exhibit 101, 102, 103, 104, 105, 106 and 107 into
```

```
evidence.
 1
 2
              THE COURT: Any objection?
 3
              MR. SOSINSKY: No, sir.
 4
              THE COURT:
                          They are admitted. You may publish.
 5
              (Government Exhibits 101, 102, 103, 104, 105, 106, and
 6
     107 received in evidence.)
 7
              MR. TUCKER: Thank you, Your Honor. With the Court's
 8
    permission and with Your Honor's deputy's assistance, I'd like
 9
     to hand the jurors copies of binders containing these exhibits,
10
     which are transcripts of the translations.
11
              THE COURT: Mr. Jackson will hand them to the jury.
12
    We still have the mother, may I rules as far as counsel looming
1.3
     over jurors. I like to keep them as far away from the jury as
14
     possible. How many copies do you have, Counsel?
15
                           Your Honor, we have copies for
              MR. TUCKER:
16
     everybody. I believe we have a copy for the bench as well and
17
     for Your Honor's clerk.
18
              THE COURT: You have a total of?
19
              MR. TUCKER: We have 16, Your Honor.
20
                          Sixteen. I just want to make sure.
              THE COURT:
                                                               Thank
21
     you.
          And you have a copy for your adversary?
2.2
              MR. TUCKER:
                          We have two we've already given to him.
23
              MR. SOSINSKY: We have them, sir.
24
              THE COURT: Okay.
25
              MR. TUCKER: And with the Court's permission, when
```

```
Your Honor's deputy is done passing the binders out to the
 1
 2
     jury, I'd like to give the witness a copy as well.
 3
              THE COURT: Mr. Jackson will do that for you.
                                                              Ιn
 4
     fact, I will give the witness my copy and then Mr. Jackson
 5
     will. So we can move things along, because I know the jury
 6
     would like that to happen.
 7
              MR. TUCKER:
                           Your Honor, my last request for now, if
 8
     we could toggle over to the prosecution laptop.
 9
              THE COURT:
                           I'm sorry, say again? I didn't hear you.
10
              MR. TUCKER: If we could switch over to prosecution
11
     laptop. It looks like you've done that.
12
              THE COURT:
                          If you can do that, that's great.
1.3
                           I think we're all set, Your Honor.
              MR. TUCKER:
14
     with the Court's permission, now we'll begin to publish the
15
     first recording.
16
              THE COURT: You have my permission. It's in evidence.
17
     Go for it.
18
              (Audio recording played.)
         So, Agent Heck, first, the voices that we just heard on the
19
20
     recording, whose voices are those?
21
         The male voice is mine and the female voice is Amina Ajmal.
2.2
        Now, when you were providing this introduction to this
23
     recording on February 15th, 2013, what is that introduction
24
     called?
25
               The introduction is called a preamble.
         Yes.
```

```
1
         Why do you provide a preamble to a recording like this?
 2
         We provide the preamble to note the date and the time that
 3
     the consensually monitored phone call took place, as well as to
 4
     state that the person who is agreeing to consent agrees on the
 5
     recording that they gave consent.
 6
        Now, you've made reference in this recording to the fact
 7
     that you were calling the phone number 917-853-7685. What
 8
    number is that?
 9
         The defendant's cell phone.
10
        And at the conclusion of your preamble, you asked Amina a
11
     question and she answered yes. What was the point of doing
12
     that?
13
        To make sure that she consented -- first, to make sure she
14
     consented; but, two, to make sure she also consented on the
15
    recording.
16
        Now, for the next few seconds, as we're about to hear,
17
     Agent Heck, and as you know, there's a pause. Please tell the
18
     jury what's happening during this pause.
19
        Yes. So there's going to be a brief pause in this
20
     recording. It's because we were having some technical
21
     difficulties with Sector establishing the undercover patch that
22
    we were -- that I spoke to previously. They were having
23
     problems getting that patch completed.
24
              MR TUCKER: Agent Maguire, can you keep playing?
         One question I neglected to ask, Agent Heck. Where is
25
```

```
Sector located?
 1
 2
         Yes.
               Sector is located in Orlando, Florida.
              MR. TUCKER: Thank you. Please continue.
 3
 4
              (Audio recording played.)
 5
         Agent Heck, what did you do after this consensually
 6
    monitored call between the defendant and Amina Ajmal was
 7
     concluded on February 15th?
 8
         We conducted a debrief with Amina Ajmal.
 9
         When you say "debrief," what do you mean?
10
        We asked her about what had occurred on the phone call she
11
     just had previously.
12
         What was Amina's demeanor during that debriefing?
13
         She was visibly very upset from what had just transpired,
14
     and crying as well.
15
         During the course of that consensually monitored call
16
     between Amina and the defendant, were you giving Amina any
17
     instructions about what she should say?
18
    Α
        No.
19
        Did you have an interpreter present for that consensually
20
    monitored call?
        We did not have an interpreter. We had an agent who spoke
21
2.2
     Punjabi at the time of that call, at the time the phone call
23
     took place.
24
         Was the agent providing line-by-line translations of what
25
     was happening during the call?
```

Not line by line, but he was providing us with some type of 1 2 translation as far as what Amina was saying to her father. 3 Was it possible for you and the other agents to hear what 4 the defendant was saying on the other end of the line? Not at that time. 5 6 Agent Heck, just to be clear with respect to Sector, you 7 testified that Sector is located in Florida? 8 That is correct. In Orlando, Florida. 9 When a call is patched through Sector, who ultimately makes 10 the phone call to the defendant? 11 Sector communications. 12 So that's a call from Florida to the defendant; is that 1.3 right? 14 That is correct. 15 What was the next date on which you consensually monitored 16 another call between Amina and the defendant? 17 February 20th, 2013. 18 Now, on February 20th, how many consensually monitored 19 calls did you make altogether on that date? 20 Three. What instructions did you give to Amina prior to making the 21 2.2 first of those consensually recorded calls? 23 We were looking to find out additional information about

who would have filled out the paperwork, the immigration

paperwork for Amina Ajmal on her behalf without her consent, as

24

25

```
well as the defendant's threats and the violence in Pakistan.
 1
 2
              MR. TUCKER:
                             Agent Maguire, if I could ask you to
 3
     play the first February 20th call, I direct the jury and the
 4
     Court's attention to what's now in evidence as Government's
 5
     Exhibit 102.
 6
              (Audio recording played.)
 7
              MR. TUCKER:
                             Agent Maguire, please pause the
 8
    recording for a moment.
 9
         Agent Heck, what number were you calling for this
10
     consensual call? Whose number is that?
11
    Α
         The defendant's cellular telephone.
12
        And who are the participants in this call?
13
         Amina Ajmal and the defendant, Mohammad Ajmal Choudhry.
14
         Did you patch the call through Sector again, as you
15
     testified about the February 15th, 2013 call?
16
         Yes.
         So once again, this call is being made from Florida to the
17
18
     defendant's cell phone?
19
         That is correct.
     Α
20
         Now, Agent Heck, you've listened to these recordings a
21
    number of times; right?
2.2
         I've listened to them numerous times, yes.
23
         What happens for the next about three minutes in this
24
     recording?
25
         Yeah, there's no activity on the recording whatsoever.
```

```
What are you doing during that three minutes?
 1
 2
         We're waiting for Sector to get us the patch. Again, there
 3
     were some technical issues again with establishing that patch.
 4
              MR. TUCKER:
                             So, with the Court's permission, I'm
 5
     going to ask Agent Maguire to advance to 222 seconds into the
 6
     recording or about three-45 minutes.
 7
              THE COURT: You have it.
 8
              MR. TUCKER: And resume playing from there.
 9
              (Audio recording played.)
10
         Agent Heck, what did you do at the conclusion of that call?
11
         We conducted a debrief with Amina Ajmal.
12
         Based on that debriefing with Amina and what happened
1.3
     during that call, what did you do next?
14
         Yes. Amina Ajmal told us that her father --
15
              MR. SOSINSKY: Objection, Judge.
16
              THE COURT: Overruled.
17
              MR. SOSINSKY: To what she said.
18
              THE COURT: Overruled. Go ahead.
19
         We were told that her father told her to call him back in
20
     approximately a half an hour and to call the house line.
         So did you call the house line?
21
2.2
     Α
        We did.
23
        And based on your knowledge of the investigation, where is
24
     that house located?
25
         The home residence is 817 Foster Avenue in Brooklyn, New
```

```
York.
 1
 2
         Did you make that call through Sector, as you did for the
 3
     preceding two calls?
 4
         We attempted to. However, the home phone number did not
 5
     allow blocked or unknown calls or restricted phone calls to the
 6
    residence.
 7
         So what did you do instead?
 8
        We then called from an HSI New York field office phone
 9
     number. Only the four last digits would show up on a telephone
10
    number.
11
         So I want to turn the Court's and the jury's attention now
12
     to what's in evidence as Government's Exhibit 103. Agent Heck,
13
     who are the participants in this call?
14
         The participants in this call is Amina Ajmal, Mohammad
15
     Afzal Choudhry, Tahseen Afzal, which is Amina Ajmal's
16
     sister-in-law, and I believe -- oh, I'm sorry, the defendant,
17
    Mohammad Ajmal Choudhry.
18
        Again, this is on February 20th, 2013, approximately a half
19
    hour after that first call that we just listened to?
20
         That is correct.
21
              MR. TUCKER: Agent Maguire, would you please play
2.2
     the recording.
23
              (Audio recording played.)
        After that call, Agent Heck, did Amina make a third
24
25
     consensually recorded telephone call that same day?
```

1 Α Yes, she did. 2 And what number did she call for that call? 3 The defendant's cellular telephone. 4 I'm going to turn the Court's and the jury's attention to 5 what's now in evidence as Government Exhibit 104. Agent Heck, 6 who were the participants in that call? 7 The defendant, Mohammad Ajmal Choudhry, as well as Amina Ajmal, and I believe her -- Nasree Begum also, Afzal Choudhry's 8 9 wife, was on the phone. 10 Was Mohammad Afzal Choudhry another participant in that 11 conversation? 12 I don't believe he -- oh, yes, he was. Sorry. 13 And was this call on February 20th, 2013 at approximately 14 12:52 p.m.? 15 Yes, it was. Α 16 Now, before any of these calls on February 20th, did you 17 give Amina any particular instructions before beginning the 18 calls? 19 We -- no, we did not. We were -- as we did on 20 February 15th, 2013, we were merely looking for further 21 information regarding who had filed the immigration paperwork 2.2 on her behalf, as well as the defendant's threats and violence 23 in Pakistan. As criminal investigators, we're factfinders. 24 We're trying to learn additional details. 25 Did you use any scripts or any role playing on these

```
February 20th calls?
 1
 2
         We did not.
 3
              MR. TUCKER:
                             Agent Maguire.
 4
              (Audio recording played.)
 5
         Agent Heck, for that third recording on February 20th,
 6
     which is Government's Exhibit 104, did you patch that call
 7
     through Sector?
 8
         No, we did not.
 9
         Why is that?
10
         Because we had already felt comfortable with Amina's safety
11
     not being an issue because we had already masked the previous
12
    phone calls.
13
         What was the date of the next consensually recorded call
     between Amina and the defendant?
14
15
         February 21st, 2013.
     Α
16
         I'm going to turn the Court's and the jury's and the
17
     witness's attention to what is now in evidence as Government's
18
     Exhibit 105. Agent Heck, who were the participants in this
     call?
19
20
         Mohammad Ajmal Choudhry and Amina Ajmal.
21
         That's the defendant and Amina?
     Q
2.2
    Α
         That is correct.
23
     Q
         What number did Amina call on this date, February 21st?
24
     Α
         The defendant's cellular telephone.
25
         And was this a direct call like the preceding call?
```

```
1
         That is correct.
 2
              MR. TUCKER: Agent Maguire?
 3
              (Audio recording played.)
 4
              MR. TUCKER:
                          Your Honor, I'm noticing that in the
 5
     last few moments of the recording the text is running off the
 6
     screen. Maybe we could take a quick comfort break and we can
 7
     resolve our technical issue, too.
 8
              THE COURT: That's a good idea. We'll resume with, I
 9
     gather it's page 10 of the written transcript.
10
              MR. TUCKER:
                           Thank you.
11
              THE COURT: Ladies and gentlemen, again, do not talk
12
     about the case. We're still in the middle of the case.
1.3
     we'll take a ten-minute break and then we'll resume, with the
14
     technical issues resolved. Thank you.
15
              Do not talk about your testimony during the break,
16
     sir.
17
              THE WITNESS:
                              Yes, Your Honor.
18
              THE COURT:
                          Thank you.
19
              (Jury exits courtroom.)
20
              THE COURT:
                          Thank you, sir, you may step down.
21
              The jury has left the courtroom. Do we have any
2.2
     technical issues to address?
23
              MR. TUCKER: Just the one that I need to deal with the
24
     computer, Your Honor.
25
              THE COURT: Other than that. Other than that,
```

```
anything else from the prosecution?
 1
 2
              MR. TUCKER: No, Your Honor.
 3
              THE COURT: Anything else from the defense?
 4
              MR. SOSINSKY: We can do it at day's end.
 5
              THE COURT: What do you want to do?
 6
              MR. SOSINSKY: I'd like to be able to make a record.
 7
              THE COURT: Do it now.
 8
              MR. SOSINSKY: I'm happy to. Okay. I didn't know if
 9
     you wanted me to.
10
              THE COURT: Do it now.
              MR. SOSINSKY: Your Honor, earlier today during the
11
12
     course of my cross-examination of the civilian witness, I was
1.3
     attempting to do impeachment, not to refresh her recollection
14
     but to do impeachment by virtue of a report as well as notes
15
     concerning certain matters, as I had done earlier this morning
16
     from the witness.
17
              At a certain point in time, Your Honor interrupted
18
     and, because the witness was having difficulties, in what I
19
     believe was an attempt to help, suggested that rather than
20
     confront the witness with the prior inconsistent statement that
     I ask it as I would with a transcript, in question-and-answer
21
2.2
     form. And that's what I ended up doing, of course, at the
23
     Court's direction.
              I just want the record to be clear that there was --
24
25
     as the government suggested at the time, there is no transcript
```

of that meeting or any other meeting that I'm aware of. 1 2 provided with typewritten reports and notes of those meetings. 3 And in my experience, I am permitted to confront the 4 witness, with a good faith basis, to confront the witness with 5 a prior inconsistent statement in the fashion that I had been 6 doing prior to Your Honor's directing me to do it in 7 question-and-answer form, which I must say, since I didn't -- I don't have questions and answers before me, required really me 8 9 to create -- create a scenario that I'm not sure specifically 10 existed at that moment in time when the report was being created. Clearly, the witness --11 12 THE COURT: What you were doing, Counsel, was going 1.3 over and over again the fact that there were numerous 14 meetings with the agents and that particular meetings did not 15 cover 100 percent of the testimony. You knew what you were 16 doing. You were wasting time. You were going over and over 17 and over again. And I think your characterization is absurd. 18 I think the record speaks for itself. 19 Have you got anything else to say to make your record? 20 MR. SOSINSKY: Yes, Judge. 2.1 THE COURT: Go ahead. 2.2 MR. SOSINSKY: In addition, at the conclusion of 23 redirect examination, there was one issue raised on redirect 24 which I wished to address on recross examination. Your Honor 25 wouldn't permit me.

```
1
              THE COURT:
                          What was that issue?
 2
              MR. SOSINSKY: That issue related to one question or a
 3
     series of questions asked on redirect.
 4
              THE COURT: What was that issue?
 5
              MR. SOSINSKY: Concerning what happened at the
 6
     conclusion of the witness's phone call with Javed Iqbal and the
 7
     witness said, he hung up on me.
 8
              THE COURT: Repeatedly.
 9
              MR. SOSINSKY:
                            Okay.
10
              THE COURT: That came out on her direct. That came
11
     out on your cross.
12
              MR. SOSINSKY: Okay. I was about to, on recross,
1.3
     confront the witness with a statement that she made to the
14
     agents during the course of her debriefing on that very subject
15
     in which she reported that because he was not answering her
16
     that she hung up, not Javed Iqbal hung up. That was the --
17
              THE COURT: You were going to cross-examine her about
18
     who hung up on whom? That's what you wanted to cross-examine
19
    her about?
20
              MR. SOSINSKY: I wanted to ask her that question,
21
     which was asked by the prosecution specifically.
2.2
              THE COURT: You had asked her and the prosecution had
23
     asked her who hung up on whom, and she had said she heard him
24
    hang up on her.
25
              MR. SOSINSKY: I didn't ask her previously, but I was
```

```
1
     about to on recross.
 2
             THE COURT: You had asked her that.
 3
             MR. SOSINSKY: I had referenced the conversation,
     that's true, Judge, but I had not asked her --
 4
 5
              THE COURT: You had asked her that and she answered
 6
     that. That's not new. Anything else?
 7
             MR. SOSINSKY: That's all for today.
 8
             THE COURT: I mean anything else that you want to make
 9
     your record on.
10
             MR. SOSINSKY: That's all.
11
             THE COURT:
                         Okay, thanks.
12
             MR. SOSINSKY: Thank you.
1.3
             THE COURT: All right. Ten minutes.
14
             MS. GANDY: Your Honor, may I just very briefly?
15
             THE COURT: Sure. You can sit down. Use the mic.
16
             MS. GANDY: Thank you.
17
             THE COURT: 10:00.
18
             MS. GANDY: Thank you, Your Honor.
19
             THE COURT: You're welcome.
20
             MS. GANDY: Tomorrow's the day. Thank you.
21
             THE COURT:
                          And today's my birthday. So there you
22
         That's how I remembered it. Do I know how to have fun or
23
     what? Okay. Ten minutes.
24
              (Recess.)
25
                    (Continued on the following page.)
```

```
1
              THE CLERK: All rise.
 2
              THE COURT: Please be seated and they're bringing in
 3
     the defendant.
              (Defendant entered the courtroom.)
 4
 5
              THE CLERK: All rise.
 6
              (Jury enters.)
 7
              THE COURT:
                          Thank you. Ladies and gentlemen of the
 8
     jury, please be seated. We have cleared up the tech issues and
 9
     I'm going to ask the witnesses and sir, you're still under
10
     oath. Please be seated.
11
              And did you talk with anyone about your testimony
12
     during the break?
1.3
              THE WITNESS: No, I did not, Your Honor.
14
              THE COURT: All right. Please continue.
15
              MR. TUCKER: Thank you, Your Honor.
16
    BY MR. TUCKER:
17
        Agent Heck, before we resume the recording, one question I
18
     neglected to ask you, sometimes in the transcripts U/I appears.
19
    What does U/I mean?
20
       U/I is "unintelligible."
21
        What does that mean?
2.2
        Whoever did the transcripts couldn't understand what's
23
     actually being said at that particular time.
24
     0
         Thank you.
25
              MR. TUCKER: And, Your Honor, we have just backed the
```

```
1
     recording up about 45 seconds so the jury can see the section
 2
     that was being cut off before the break.
 3
              THE COURT: What page are you on? I believe we were
 4
     approximately page ten before.
 5
              MR. TUCKER: I think that's right.
 6
              THE COURT: Nine or ten, which is it?
 7
              MR. TUCKER: I assume we're on page ten, just sort of
 8
     in the middle of page ten -- and for the record, this is
 9
     Government's 105.
10
              (Audio played in open court.)
     BY MR. TUCKER:
11
12
         Agent Heck, what did you do at the conclusion of making
13
     that consensual recording?
14
        We conducted a debriefing of Amina Ajmal.
15
        Based on that debriefing of Amina Ajmal and the contents of
16
     that recording, what did you do?
17
        Based on the contents of the recording, we, later that day,
18
     we went and conducted database checks for any travel the
19
     defendant, Mohammad Ajmal Choudhry, may have. As stated, he
20
     was going to attempt to go to Pakistan, I believe, on Monday or
21
     Tuesday.
2.2
         How did you go about determining whether the defendant had
23
     booked travel to Pakistan?
24
         We looked through a law enforcement database to see if we
25
     had any international travel or we could find any international
```

travel for him. 1 2 Did you find any such reservations? 3 We did not. 4 Had you found such reservations, what was your intention? 5 Our intention if we would have found reservations would be 6 to work with the U.S. attorneys office, in attempt to arrest 7 him for probable cause as he was about to leave for Pakistan. 8 Why were you going to arrest him? 9 MR. SOSINSKY: Objection. 10 THE COURT: Overruled. 11 We based -- we would arrest him because he posed a 12 significant safety risk if he left. BY MR. TUCKER: 13 14 Did you contact the Pakistani authorities about what you 15 heard in this consensually monitored recording? 16 We did not. 17 Why didn't you contact the Pakistani authorities about 18 these threats? 19 We did not contact the Pakistani authorities with the 20 threats because we had, again, information that the Choudhry 21 family had close political ties to people within government 2.2 there. 23 Why would that matter? 24 The safety of Shujat Abbas and his family, we were worried 25 about.

So I want to direct your attention now to February 25th, 1 2 2013. Did Amina make a consensually recorded phone call to the 3 defendant on that day? 4 Yes. 5 Prior to that call, had you become aware of an incident 6 that had occurred earlier that same day in Pakistan? 7 Α We did. 8 What did you understand had taken place? 9 My understanding was that Shujat Abbas' father and sister 10 were killed in Pakistan. 11 Based on this information, what instructions did you give 12 to Amina prior to making this consensually-monitored call on 13 February 25th? 14 We wanted to learn more about the murders in Pakistan and 15 see if the defendant had any information regarding those. 16 What was Amina's demeanor prior to making this call on 17 February 25th? 18 She seemed very upset given what had transpired in 19 Pakistan. 20 Now, you have testified with the proceeding consensual 21 recording that you didn't give Amina any script or specific 2.2 questions to ask. What about today's date, February 25th, did 23 you give her a script on that day? 24 There was no script, no.

Did you role play on that date?

25

```
1
         There was no role play.
 2
         Did you give her any particular questions that you wanted
 3
    her to ask?
 4
         Other than finding the additional information regarding the
 5
     murder that took place in the Pakistan, no.
 6
              MR. TUCKER: I'm going to direct the Court's and the
 7
     witness' and the jury's attention to what is now in evidence as
 8
     Government Exhibit 106.
     BY MR. TUCKER:
 9
10
         Agent Heck, what phone number did Amina call for this
11
    recording?
12
         The defendant's cellular telephone.
13
         Who are the participants in this call?
14
        Amina Ajmal and the defendant, Mohammad Ajmal Choudhry.
15
         Was this a direct call from HSI headquarters in New York to
16
     the defendant?
17
         That is correct.
18
              MR. TUCKER: Agent McGuire?
19
              (Audio played in open court.)
20
    BY MR. TUCKER:
21
         Agent Heck, that recording ended at 11:57 in the morning,
2.2
     is that right?
23
     Α
         That is correct.
24
         Following that final consensually-recorded call between
25
     Amina and the defendant, did you participate in the arrest of
```

```
the defendant?
 1
 2
         Yes.
 3
         When did you arrest the defendant?
        Approximately 8:45, that night, at his residence.
 4
 5
         That same day after the call?
 6
         That is correct.
 7
              MR. TUCKER: Your Honor, I'm happy to continue. It is
 8
     after five o'clock. Whatever the Court wants me to do.
 9
     is a logical stopping place if Your Honor wants to stop.
10
              THE COURT: All right, ladies and gentlemen. We're
     going to stop for the evening. We're going to resume tomorrow
11
12
     at 10:00 a.m. promptly. We worked through this afternoon,
13
     today. We have to work a little bit later tomorrow. I've got
14
     some court business. We'll start at 10 a.m. promptly tomorrow.
15
              Again, please do not talk about the case, please do
16
    not read anything about the case. As I said, we're in the
17
    middle of trial and we don't deliberate until the case is ready
18
     to go to the jury after all the evidence is in.
19
              So please have a nice restful evening. We'll see you
20
     tomorrow, we'll start at 10:00 a.m. promptly. Thank you.
21
              MR. TUCKER: Can the jurors leave their binders in the
2.2
     chair?
23
              THE COURT: That's fine with us. I'm going to lock
24
     the doors.
25
              (Jury exits.)
```

```
1
              THE COURT: All right. You may step down, sir.
 2
              The jury has left the courtroom. Do we have any other
 3
    procedural issues to address?
 4
              MR. TUCKER: Your Honor, just one. From the
 5
     government's perspective, just to let the court know, one of
 6
     the government --
 7
              THE COURT: You can sit down and use the microphones.
 8
              MR. TUCKER: One of the government's witnesses is a
 9
     records custodian for border crossing records.
                                                     I've been
10
     advised that he is available only tomorrow from 11:30 to one
     o'clock and --
11
12
              THE COURT: You want to take him out of order?
1.3
     don't have a problem with that. I assume the defense does not
14
    have a problem with that.
15
              MR. SOSINSKY: (Nods head affirmatively.)
16
              THE COURT: Do you?
17
              MR. SOSINSKY: No.
              THE COURT: Good.
18
              MR. TUCKER: Thank you, Your Honor, that's all I have.
19
20
              THE COURT: Do you have any issues, sir?
21
              MR. SOSINSKY: No, sir.
2.2
              THE COURT: Okay. We'll see you tomorrow at 10 a.m.,
     a little after ten.
23
24
              MR. TUCKER: Thank you, Your Honor.
25
              THE COURT: Thank you, we're adjourned for the day.
```

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1
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 3
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 5
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